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PENNSYLVANIA ARCHIVES.

John Blair Linn 1873.

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SELECTED AND ARRANGED

FROM ORIGINAL DOCUMENTS

IN THE OFFICE OF THE

SECRETARY OF THE COMMONWEALTH,

CONFORMABLY TO ACTS

OF THE

GENERAL ASSEMBLY,

FEBRUARY 15, 1851, & MARCH 1, 1852.

BY

SAMUEL HAZARD.

COMMENCING 1786.

VOLUME XI.

PHILADELPHIA:
PRINTED BY JOSEPH SEVERNS & CO.
1855.

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UNDER AND BY VIRTUE OF THE ACT OF THE

GENERAL ASSEMBLY,

PASSED AT THE SESSION OF 1851

BY

SAMUEL HAZARD.

COMMENCING 1776.

VOLUME XI.

PHILADELPHIA:

PRINTED BY JOSEPH SEVERNS & CO.

1853.

Col. John Franklin to Doc. Hamilton, 1786.

Armenia, June 8th, 1786.

Dr Doctor,

I left Hartford last Week on Wednesday evening, and am now on my Journey to Wyoming. I expect you have received my Letter of the 3d Inst., in which I informed you that Congress have Accepted the Cessions from Connecticut. I expect that to be a Confirmation of our Title. Nothing farther Done in Assembly respecting Wyoming affairs—it's thought best by friends to rest quiet at Present—to hold fast to our Purchase, &c.

I have been to Windham; Esq. Gray had no Blank Certificates. I send you ten full Shares, from No. 140 to 149 Included. I take a receipt from Esq. Beach, and expect he will take one from you; he will also send you 15 shares, to make 25 in the whole.

Esq. Gray thinks best to issue no more Certificates at Present, as 300 have already been Delivered to the Com'tee. Should it be necessary, others may be Issued hereafter. It's best to take Care how Lands are Desposed of. I expect that many Certificates have been given out that will answer but a small Purpose to the Company. I find that Esq. Gray has given out near 50 half Shares to Persons to repair to Wyoming and Continue three years—that no Condition is mentioned in the Certificate—that not more than 7 of those Persons are in that County, which I Conceive to be an argument that it's best to be careful. The 400 half Shares are not all taken up—it's thought best to fill them—let those that are disposed to become Adventurers have a recommendation to repair to Wyoming, to receive Certificates from the Com'tee on the Spot; which may prevent trouble hereafter. I would wish to have every Plan put in Execution to get on Settlers.

"I hope you will Procure the Physick and Pills you talked of at "Hartford, and send the same on. I can administer them if Neces- "sary, though I have not the Theory of Physick, I Profess to know "something of Practice." By late Accounts from Wyoming I hear that a Justice of Peace, a Sheriff and one other Person as Assistant, all from Sunberry, have lately been in the Settlement to Execute Warrants against those that neglected to give Bail for good Behaviour, but met with Poor Success, that attempting to take one of our Party the Sheriff's Bully Presented a Pistol and Demanded a Surrender, but however, the Bully received a flogging, and the whole have returned to Sunberry to make report. As I had the news from a Second hand I cannot give the Particulars. I expect

they will use every Plan to execute their Laws; they appear more fond of fighting us with their Law Books than with Rifles, though they appear fond of the latter as often as they can find us in a Defenceless Situation, and more especially when they have only Women and Children to oppose them. I shall make a List of those that have taken Certificates for Rights as soon as may be, after I return, and shall endeavor to let you know the number of those that have taken Certificates from you, and are on the Spot.

I am, Sir, your most Obedient
& humble Servant,

JOHN FRANKLIN.

Directed,
Doct. Joseph Hamilton, City of Hudson, State of N. York.

Circular.

SECRETARY OF CONGRESS TO PRES. FRANKLIN, 1786.

Office of Secretary of Congress, June 9th, 1786.

Sir,

I have the honor to transmit to your Excellency herewith enclosed two copies of the continuation of the Journal from 3d of March to 2d instant, one for the Legislative, the other for the Executive branch of Government, and also two copies of the treaty of commerce lately concluded between the United States of America and his Majesty the King of Prussia.

With the greatest respect, I have the honor to be,
Your Excellencys most obedient, &
Most humble servant,

CHA. THOMSON.

Directed,
His Excellency, the President of Pennsylvania.

DELEGATES IN CONGRESS TO PRES. FRANKLIN, 1786.

New York, 9th June, 1786.

Sir,

Yesterday we had the Honour to receive your Excellency's Letter of the 4th Instant. We went to wait on the Governor of this State with the Communications committed to us, but His Excellency tho' daily expected, is not returned from a Journey northward on which he set out some weeks ago.

The Delegates from Connecticut being absent from Congress, we have transmitted to Mr. Mitchell, one of those Delegates (who we understand to be also a Member of the Legislature and now at Hartford,) a Copy of your Excellency's Letter of the 4th Instant, except the cautionary Part respecting the intercepted Letter—also a Copy of Mr. Shaw's Letter to your Excellency, leaving out the name of the writer of the intercepted Letter, and the name of the Person to whom it was directed.

This morning Dr. Johnson has resumed his Seat in Congress—We have communicated to him the Contents of your Excellency's Letter & Inclosures. He expresses great Concern that the Distractions in Pennsylvania are thus Continued, but seems very confident that the State of Connecticut will discountenance it's Citizens in all farther pursuit of Claims in Pennsylvania other than such as the Laws and Policy of the latter shall warrant. He has not lately been at Hartford where the Legislature are now sitting, but says he is well informed that the Act of Congress respecting their proposed Cession will enable the State to induce the Susquehanna Company to transfer their views from Pennsylvania to a more western Country. This done the Insurgency in Pensa. will probably subside.

We have the Honor to be,
Your Excellency's most obedient
& most humble Servants,
CHA. PETTIT,
JOHN BAYARD.

Directed,
His Excellency, The President of Pennsylvania.

Treaty with Prussia, 1786.

The United States of America in Congress assembled.

To all to whom these Presents shall come, Greeting.

Whereas a treaty of amity and commerce, between his majesty the king of Prussia, and the United States of America, was concluded and signed by the plenipotentiaries of the said United States, and by the plenipotentiary of his said majesty, duly and respectively authorised for that purpose, at the places of their respective residence, and at the dates expressed under their several signatures, which said treaty, written both in the American and French languages, is (in the American) in the words following, to wit,

A Treaty of Amity and Commerce between his Majesty the King of Prussia, and the United States of America.

His majesty the king of Prussia, and the United States of America, desiring to fix, in a permanent and equitable manner, the

rules to be observed in the intercourse and commerce they desire to establish between their respective countries, his majesty and the United States have judged that the said end cannot be better obtained than by taking the most perfect equality and reciprocity for the basis of their agreement.

With this view his majesty the king of Prussia has nominated and constituted as his plenipotentiary, the baron Frederick William de Thulemier, his privy counsellor of embassy, and envoy extraordinary, with their high mightinesses the states general of the United Netherlands, and the United States, have on their part, given full powers to John Adams, esquire, late one of their ministers plenipotentiary for negociating a peace, heretofore a delegate in Congress from the state of Massachusetts, and chief justice of the same, and now minister plenipotentiary of the United States with his Britannic majesty; doctor Benjamin Franklin, late minister plenipotentiary at the court of Versailles, and another of their ministers plenipotentiary for negociating a peace; and Thomas Jefferson, heretofore a delegate in Congress, from the state of Virginia, and governor of the said state, and now minister plenipotentiary of the United States at the court of his most christian majesty, which respective plenipotentiaries, after having exchanged their full powers, and on mature deliberation, have concluded, settled and signed the following articles.

Art. 1. There shall be a firm, inviolable and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors and subjects, on the one part, and the United States of America, and their citizens on the other, without exceptions of persons or places.

Art. 2. The subjects of his majesty the king of Prussia, may frequent all the coasts and countries of the United States of America, and reside and trade there in all sorts of produce, manufactures and merchandise; and shall pay within the said United States no other or greater duties, charges or fees whatsoever than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves, nevertheless to the laws and usages there established, and to which are submitted the citizens of the United States, and the citizens and subjects of the most favored nations.

Art. 3. In like manner the citizens of the United States of America may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures and merchandise, and shall pay in the dominions of his said majesty, no other or greater duties, charges or fees whatsoever, than the most favored nation is or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which the most favored nation does or shall enjoy; submitting themselves nevertheless to the laws and

usages there established, and to which are submitted the subjects of his majesty the king of Prussia, and the subjects and citizens of the most favored nations.

Art. 4. More especially each party shall have a right to carry their own produce, manufactures and merchandise, in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other, freely to purchase them; and thence to take the produce, manufactures and merchandise of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cases such duties, charges and fees only, as are or shall be paid by the most favored nation. Nevertheless the king of Prussia and the United States, and each of them, reserve to themselves the right where any nation restrains the transportation of merchandise to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandise whatsoever, when reasons of state shall require it. In this case the subjects or citizens of either of the contracting parties shall not import nor export the merchandise prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandise, the citizens or subjects of the other shall immediately enjoy the same liberty.

Art. 5. The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other be forced to unload any sort of merchandise into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please.

Art. 6. That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is, but no other person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause.

Art. 7. Each party shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to their right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction.

Art. 8. The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter

into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage without molestation and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintainance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of subjects and citizens of the country where they are established.

Art. 9. When any vessel of either party shall be wrecked, foundered, or otherwise damaged on the coasts, or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

Art. 10. The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof, either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases; and in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants, to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published, by his majesty the king of Prussia, to prevent the emigration of his subjects.

Art. 11. The most perfect freedom of conscience and of worship,

is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Art. 12. If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

Art. 13. And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandise heretofore called contraband, such as arms, ammunition and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless it shall be lawfull to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such an arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of a contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

Art. 14. And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea letters, or passports, which shall express the name, the property and burthen of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms (to be settled by conventions between the parties

whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

Art. 15. And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than two or three men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war, public or private, who shall molest, or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

Art. 16. It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

Art. 17. If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor as soon as due proof shall be made concerning the property thereof.

Art. 18. If the citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects, within the harbours or jurisdiction of the other, they shall be received protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions and other things necessary for their sustenance, health and accommodation, and for the repair of their vessels.

Art. 19. The vessels of war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs or any others, nor shall such prizes be arrested, searched or put under legal process

when they come to, and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessels shall be obliged to shew. But no vessel which shall have made prizes on the subjects of his most christian majesty the king of France, shall have a right of asylum in the ports or havens of the said United States; and if any such be forced therein by tempest or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most christian majesty and the said United States.

Art. 20. No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

Art. 21 If the two contracting parties should be engaged in war against a common enemy, the following points shall be observed between them.

1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than twenty-four hours, she shall be restored to the first owner for one third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. 2d. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one thirtieth part of the value of the vessel and cargo, if she shall not have been in the possession of the enemy more than twenty-four hours, and one tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each: but the said prizes shall not be discharged nor sold there, until their legality shall have been decided according to the laws and regulations of the states to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted. 5th. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties.

Art. 22. Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessel as long as they hold the same

ceurse, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

Art. 23. If war should arise between the two contracting parties, themerchants of either country, then residing in the other, shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen unarmed and inhabiting unfortified towns, villages or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniences and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested, and neither of the contracting powers shall grant or issue any commission to any private armed vessels empowering them to take or destroy such trading vessels, or interrupt such commerce.

Art. 24. And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crouding thm into close and noxious places, the two contracting parties solemnly pledge themselves to each other and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations, that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality, as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistance of prisoners at the close of the war; and the said

accounts shall not be mingled with, or sett off against any other, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonement. And it is declared, that neither the pretence that war dissolves all treaties, nor any other pretence whatever, shall be considered as annulling or suspending this and the next preceding article, but on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations.

Art. 25. The two contracting parties grant to each other the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement whenever each party shall chuse to make such appointment; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place.

Art. 26. If either party shall hereafter grant to any other nation, any particular favour in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the compensation where such nation does the same.

Art. 27. His majesty the King of Prussia, and the United States of America, agree that this treaty shall be in force during the term of ten years from the exchange of ratifications, and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within one year from the day of its signature.

In testimony whereof, the plenipotentiaries before mentioned, have hereto subscribed their names and affixed their seals, at the

places of their respective residence, and at the date expressed under their several signatures.

[L. S.]
F. G. DE THULEMEIR,
à la Hage le 10 Septembre, 1785.

[L. S.]	[L. S.]	[L. S.]
THO. JEFFERSON,	B. FRANKLIN,	JOHN ADAMS,
Paris, July 28, 1785.	Passy, July 9, 1785.	London, Aug. 5, 1785.

NOW KNOW YE, That we, the Said United States in Congress assembled, having considered and approved, do hereby ratify and confirm the said treaty, and every article and clause therein contained.

In testimony whereof, we have caused our seal to be hereunto affixed. Witness the Hon. Nathaniel Gorham, our chairman in the absence of His Excellency John Hancock, our president, the seventeenth day of May, in the year of our Lord one thousand seven hundred and eighty-six, and of our independence and sovereignty, the tenth.

CHAS. THOMSON,
Secretary.

Pres. Franklin to John Franklin, &c., of Wyoming, 1786.

In Council, Philad^{a}, June 11, 1786.

Gentlemen,

I received in its time your Letter of the 25th of February last, written in behalf of the People settled at Wyoming, and requesting a Protection of Government for an Agent who might be sent hither, to explain your Grievances, &c. The Request appear'd to us to be reasonable, and such a Protection would have been immediately sent, but that we were told the Gentleman who brought your Letter, Captain Schot, being in Town, and well acquainted with your Affairs, the giving him a Hearing might possibly answer your purpose as well, and spare you the Expence & Trouble of sending a special Agent He was accordingly heard before the Council, and had an opportunity of conversing separately with several of the Members as well as with the Members of Assembly, and gave so clear and so affecting an Account of the situation of your People, their present Disposition, and former Sufferings, as enclin'd the Government in general to show them every kind of reasonable Favour. The Assembly accordingly took the necessary previous steps for a Compliance with your Request respecting a separate County which will probably be compleated at their next Session. But as there may be other Matters necessary to be consider'd and discuss'd, in order to establish solid and lasting Quiet, the Council

have since judged that it might still be useful if your first Proposal of sending an Agent hither were agreed to, and if one or more chosen & appointed by the People should accordingly be here about the beginning of the Session, which was fixt for the 22d of August next. You may therefore now acquaint the Settlers, that upon Information of such Appointment, a Passport or Safe Conduct under the great Seal, for the Person or Persans so appointed shall be sent to you, giving him or them pêrfect security in coming, residing here, and returning, from all Arrests or suits of any kind, and full Freedom & Protection from every Hindrance, Restraint or Molestation whatsoever.

Be assured, Gentlemen, that it will be a great Pleasure to the whole Council, as well as to myself in particular, if we can be instrumental by just & reasonable Measures, in promoting the Happiness of so great a Body of our People as the Settlers at Wyoming consist of.

I am, Gentlemen,

Your Friend and humble Servt.

B. FRANKLIN,* President.

Directed,

Messrs. John Franklin, Wm. Hooker Smith & John Jenkins.

Report of Board of Treasury to Congress, 1786.

Board of Treasury, June 22, 1786.

Sir,

We do ourselves the honour of submitting, through your Excellency, to the consideration of Congress, the report of this Board on the requisition of the present year. From this, Congress will observe, that the sum of 2,170,337 dollars is necessary to be raised by this requisition in actual specie, out of which no less a sum than 1,724,426 dollars are due on the foreign debt.

If it be asked, what expectations there are that the several states will raise, by the ordinary mode of requisition, the sums required by the proposed report, the answer obviously is, That no reasonable hope of this nature can possibly exist; for, exclusive of the sum last mentioned, almost the whole of the specie required by the requisition of the 27th September last, which amounted to one million of dollars, is still unpaid, though the period of payment was fixed for the 1st of May last; together with a specie balance due on the requisition of the 27th of April, 1784, of about one million of dollars; so that the actual sum which ought to be paid by the several states, into the public treasury, before the first of January next, is at least 3,700,000 dollars.

* See Col. Rec., Vol. XV., p. 35, 36.

In examining the measures which have been adopted by the several states for carrying into execution the last requsition, we find that,

New-Hampshire did, on the 20th of February last, pass an act for raising and paying into the general treasury, on or before the first day of May next, the sum of 35,000 dollars, being the specie proportion of that state's quota on the requisition of the 27th September last; but no provision is made by the said law for furnishing her proportion of indents of interest.

That Massachusetts did, on the 23d March, 1786, pass an act for complying with the requisition of Congress of the 27th September last, expecting that the proportion to be paid in specie, is not required to be paid into the general treasury, before the first day of January, 1787.

That Rhode-Island did, in the month of October last, pass an act in compliance with the requisition of the 27th September last.

That Connecticut has not, to the knowledge of this board, passed any act in compliance with the said requisition.

That New-York has, by their act of the 20th April, 1786, directed their treasurer to pay into the general treasury, on or before the first of May next, the sum of 85,495 dollars, being their specie proportion of the last requisition, and the balance of one hundred and seventy thousand nine hundred and ninety dollars 60-90ths in indents of interest, on or before the first of January next; but it does not appear by the said act, that any funds are specified, or tax laid, for producing the sums above mentioned.

That the state of New-Jersey has not passed any act in pursuance of the requisition of the 27th September last.

That the state of Pennsylvania has, by their act of the 8th March, 1786, directed their treasurer to pay, to the order of the United States, such a sum in specie, as, together with the sums paid on account of the requisition of the 27th and 28th of April, 1784, and 27th September, 1785, would make the sum of 557,091 dollars in specie, and the further sum of 593,684 dollars in receipts, or certificates of interest; but it is to be observed, that the sum directed to be paid by discounts in interest, is 86,557 dollars more than the state has a right to avail itself of on the requisitions of the 4th September, 1782, 27th April, 1784, and 27th September, 1785; and that the amount directed to be paid is short (by the above mentioned overplus in indents of interest) of the actual sum in specie required of that state, by the requisitions of the 27th and 28th April, 1784, and 27th September, 1785.

That the state of Delaware, has not, to the knowledge of this board, passed any act in pursuance of the last requisition.

That the state of Maryland did, at their last sessions, pass an act providing for the payment of the sum of 94,350 dollars in specie, (being the proportion of the specie required of that state by the requisition of the 27th September last,) but it does not appear that

any provision has been made by the said state for the payment of the indents of interest required by the said requisition.

That the state of Virginia did, on the 21st of January last, pass an act in full compliance with the last requisition.

That the state of North-Carolina has not, to the knowledge of this board, passed any act in compliance with the requisition of the 27th September last. By an extract of an act of the legislature of the said state, passed on the 29th December last, and transmitted to this board by his Excellency Governor Caswell, it appears, that the said state has directed 1400 hogsheads of tobacco to be purchased in the present year; the proceeds of which are to be paid into the general treasury on account of that state's quota of the debts of the United States; but it is not expressed by the said act for what requisition this provision is intended. The monies arising from the sale of this tobacco, and paid into the general treasury, will of course be passed to the credit of the state of North-Carolina, on the requisition of the 27th and 28th April, 1784, on which no payment appears to have been made.

That the state of South-Carolina has credit in the treasury books for the sum of 415,514 dollars, which exceeds by 35,916 dollars the sums required of that state to complete her quota of the requisitions of the 27th and 28th April, 1784, and 27th of September, 1785.

That the state of Georgia did, on the 13th of February last, pass an act directing their treasurer to pay into the general treasury, the quotas assigned to that state by the resolves of the 4th September, 1782, 27th and 28th April, 1784, and 27th September, 1785; but as the said laws refer to a revenue act, (of which a copy has not been transmitted,) the board cannot determine how far the compliance of the said state will be operative.

From the above statement it appears, that seven states, namely, New-Hampshire, Massachusetts, Rhode-Island, New-York, Maryland, Virginia & Georgia, have passed acts directing the payment of the full sums in specie required by the act of Congress of the 27th September, 1785; for although the state of Pennsylvania has, by their act above mentioned, directed a certain sum in specie to be paid into the general treasury, on account of the requisitions for the years 1784, and 1785, the sum specified in the act for this purpose, falls short by 86,657 dollars (as has been before observed) of the sum necessary to complete the requisition of the 27th September last.

That six states, namely, Massachusetts, Rhode-Island, New-York, Virginia and Georgia, have directed the whole payment of the sum called for by the last requisition.

That four states, namely, Connecticut, New-Jersey, Delaware and North-Carolina, have passed no acts (so far as the information of this board extends) in compliance with the same.

That from the state of South-Carolina, (though she is quota'd

in the last requisition) from the facts stated in the former part of this letter, no payment can be expected.

As to the efficacy of the funds which the different states rely on for enabling them to furnish their respective quotas, it is impossible for this board to form an adequate Judgment.

In the act of the state of New-Hampshire, the specie directed to be raised, is to be assessed and levied on the polls and ratable estates within that state, agreeably to the last proportion of taxes for the several towns and places; but as this board are not in possession of the law referred to, so as to ascertain at what rate the polls and real property are rated, and whether those funds are burthened with any other engagements, it is impossible to determine what can be expected from the provision made by the act of that state. If the funds are the same that have been relied on for the paying of that state's quota of the requisition of the 27th and 28th April, 1784, experience demonstrates that no dependence can be placed on their efficacy: For, by the abstract, No. 1. herewith transmitted, it appears that the state of New-Hampshire owes, on the requisition of 1784, the sum of 179,119. 82–90ths dollars.

By the act of the state of Massachusetts, it appears, that they have assessed on the different counties of that state the sum of £300,439 1 3 lawful money of that state, out of which the sum of £145,665, equal to 485,550 dollars, (the specie quota of that state,) is to be paid into the general treasury, on or before the 1st day of January next.

For the support of the civil government is to be deducted from the whole sum, - - -	£25,784	1	3
For the payment of the interest on their state debt, - - - - - - - - -	29,000	0	0
For redeeming army notes, payable 1784, 1785, and 1786, - - - - - - - -	100,000	0	0
For replacing sums drawn out of the treasury for the support of the members of assembly,	1,101	18	0

It does not appear by this act, that any preference in payment is to be given to the requisition of Congress, and of course as more than one moiety of the whole sum proposed to be raised for state purposes, in which the support of the government, and the particular interest of their citizens is concerned, it may be inferred (from the general conduct of the several states) that the first monies collected under the act, will be appropriated for the objects last mentioned: Of course the specie payments of the requisition of Congres will be procrastinated, and any deficiency, in the general tax, will fall on that sum which is appropriated for federal purposes.

From the state of Rhode-Island, no payment in specie can be expected on the requisition of the 27th September last. The whole amount of the specie quota on this act, is 25,545 dollars; against which they are authorised, by the resolve of Congress of the 10th

February, 1785, to set off the balances due to the contractors for ox teams in the service of the United States, for the year 1781; and (in common with other states) the amount of their liquidated payments to invalids, in pursuance of the ordinance of Congress of the 7th June, 1785, which payments will in all probability absorb the specie sum on the last assessment.

Connecticut having passed no act in compliance with the last requisition, nothing can be expected from her.

By the act of the state of New-York, though the treasurer of the state is directed to pay in the full proportion of that state's quota on the last requisition, at the periods therein specified, no funds appear by the said law to be provided for effecting this object. By a law enacted in the last sessions of the legislature of that state, a paper currency is made receiveable in all taxes whatsoever, from the first of May last. From this circumstance, and the correspondence which has passed on this subject, betwixt this board and the treasurer of the state, (copies of which are herewith transmitted,) little dependence can be placed in receiving, in the course of the present year, the full specie proportion of the quota of that state.

Jersey being in the same situation with Connecticut, nothing can be expected from that state.

From Pennsylvania no further payments in specie can be expected, on account of the last requisition, till a difference betwixt a statement made by the comptroller of that state and the treasury of the United States, of payments made on former requisitions, is decided on the principles of the statement last mentioned. A copy of the comptroller's statement, No. 2, and the remarks on it of this board, No. 3, will explain the reason of difference in the two statements.

From Delaware nothing is to be expected, for the reasons which have been applied to Connecticut and New-Jersey.

From Maryland, as the funds apart for paying the specie quota of the last requisition appear more definite and substantial, than the provision made by the acts we have before observed on, there is reason to suppose they will be more productive; though, from the difficulties suggested by the Commissioners of the Loan office of that state in his correspondence with this board, on the payment of the balance due on the requisition for the year, 1784, there is no reason to presume that she will pay in the present year the proportion of specie required of her by the last requisition.

From Virginia, though the act directs the payment of her full specie proportion, yet, the revenue laws referred to in the said act do not shew what monies may be relied on from them; but from the best information we can obtain of the productiveness of the funds specified by their acts, we have no reason to suppose that the sum in specie to be expected from Virginia, on the present requisition, will be more than half her specie proportion.

From North-Carolina nothing is to be expected on the present requisition, no act having been passed in pursuance of it.

From South-Carolina no payment will be made into the general treasury, for the reasons before stated.

From Georgia, the nature of their funds not being known to this board, no opinion can be formed of what may be expected from the operation of their act. We have reason however to fear, that no payment will be made by that state in the present year. To the remarks naturally resulting from the above statement, we may venture to add one general reflection, which is applicable to the union at large, "That the effect of the present requisition is best to be judged of from an experience of the past."

With the requisition of 1784, every state in the Union complied, except North-Carolina and Georgia; with the present only eight states in the union have complied, so far as it respects the specie payment.

During the collection of the taxes under the requisition for the year 1784, the revival of a paper currency had few advocates in the several states. At present, the rage for another experiment in this fallacious medium has so far prevailed, as to enter into the system of revenue of several states. Judging from the facts we have stated, we do not conceive it probable, that even the sum of three hundred thousand dollars in specie will be paid into the general treasury in the present year, if no other resource is adopted than what can be expected from the line of requisition.

These circumstances it becomes our duty to state to Congress, that their wisdom may adopt such measures as shall appear most likely to avert a total ruin of our credit and character as a people, with foreign nations.

The sum in specie which ought to be provided for in less than twelve months, as has been observed, is at least three million and a half of dollars, (excluding altogether any provision for the domestic debt.)

The extent of the sum, which in all probability will arise from the requisitions, will hardly reach three hundred thousand dollars. Such is the crisis to which the affairs of the union are now reduced for want of a general revenue, established on such principles, as might call forth in the most equitable and efficient manner, the resources of the several states. This efficient revenue can only be expected from an immediate grant of the five per cent. impost, and from taxes commensurate to the supplementary fund, effectually levied, and sacredly appropriated to the federal treasury.

In considering what expedients may probably be adopted for making up the deficiency of the specie sums which are essentially necessary to support our existence in a national character, nothing occurs as a probable mode of relief, but a sale in Europe of part of the western territory, which has been ceded to the United States. To attempt new loans, whilst no funds are established for paying the

interest and principal of former ones, would in all probability be fruitless, even if it could be done consistently with those maxims of prudence and public integrity which ought to characterise the proceedings of every nation. What would be the success of the expedient we have suggested, cannot be ascertained; but when the disposition to emigration in Germany, Geneva, and Ireland, is taken into consideration, as well as the prospect of advantage from the rise in value of the lands in question, to those who might purchase on speculation, it appears not unlikely, that if a proper plan should be adopted, and the execution of it committed to a suitable agent, it might meet with success.

Unless some aid can be derived from this quarter, we see not the least prospect of our being able to make good the payment of interest which will become due on the Dutch loans in the ensuing year. All hope of our being able to succeed in making in season the payments to France in the year 1787, is now at an end; but the importance of making every exertion to fulfil the contracts we have entered into with the money-lenders of Holand must be very apparent. In this point of view only, we have taken the liberty to suggest to Congress the object above mentioned.

With respect to the requisitions for the present year, which we have reported to Congress, it becomes necessary for us to observe, that we consider it merely as an expedient to evince the dispositions of Congress to do all the justice in their power to their foreign and domestic creditors, till the States feel the absolute necessity there is of furnishing the United States with adequate means to support their rank and character as a nation.

The mode of certifying the interest on the domestic debt is undoubtedly liable to objection, though it may be brought into a more manageable state than it is at present, by reducing the various evidences of the debt to one form, and by calling in annually some part of the principal. This latter object would, we conceive, be compassed with great ease to the several States, and would have a powerful effect in establishing our credit with foreign nations.

But after all, what we have taken the liberty to suggest, are still expedients, should they even be successful.

The more our reflections are employed on this subject, the more we are impressed with the conviction that nothing but an immediate and general adoption of the measures recommended by the resolves of Congress of the 18th April, 1783, can rescue us from bankruptcy, or preserve the union of the several States from dissolution.

With all due respect, we are
Your Excellency's most obedient
humble Servants,
SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

His Excellency the President of Congress.

The Board of Treasury to whom was referred their letter of the 19th of February last, together with the estimates of the monies necessary for the services of the present year, One Thousand Seven Hundred and Eighty-six, submit the following report.

Resolved,

That for the services of the present year, one thousand seven hundred and eighty-six, for the payment of the interest, and two installments of principal on the French and Dutch loans, that are payable according to the contracts, in the beginning of the year 1787, and for the payment of one year's interest on the domestic debt, it will be necessary that three millions seven hundred and seventy-seven thousand and sixty-two dollars 43-90ths be paid into the common treasury, on or before the first day of January next, to be appropriated to the following purposes.

For the civil department,	Dollars,	169,352 86
Military department,		168,274 50
Contingencies,		94,294 65
For Indian affairs,		6,000
For the department of geographer,		8,953

FOREIGN DEBT.

For the payment of interest due this year on the French and Dutch, loans,	317,985 10	
A.—For ditto of principal and interest due in the year 1787, which ought to be provided for this year,	1,392,059 17	
For a balance of interest due on the Spanish loan,	2,396 55	
For one year's interest on debts due to foreign officers,	11,185 55	
		1,723,626 47
B.—Domestic debt, one year's interest thereon,		1,606,560 65
	Dollars,	3,777 062 43

That the Quotas of the several States be as follows.

	Indents.	Specie.
New Hampshire,		76,268
Ditto	56,452	
Massachusetts,		324,746
Ditto	240,370	
Rhode Island,		46,764
Ditto	34,613	
Connecticut,		191,135
Ditto	141,474	

New York,		185,567
Ditto	137,434	
New Jersey,		120,619
Ditto	89,279	
Pennsylvania,		296,908
Ditto	219,765	
Delaware,		32,475
Ditto	24,037	
Maryland,		204,775
Ditto	151,570	
Virginia,		371,136
Ditto	274,707	
North Carolina,		157,732
Ditto	116,749	
South Carolina,		139,017
Ditto	103,015	
Georgia,		23,288
Ditto	17,167	2,170,430
		1,606,632
		3,777,062

That the aforesaid sums, when paid, shall be passed to the credit of the States respectively, on the terms prescribed by the resolves of Congress of the 6th day of October, 1779, and shall be applied in conformity to the statement in the preceding part of this report, giving preference according to the order in which they are placed in the estimate.

As one million, six hundred and six thousand, five hundred and sixty dollars called for, is to be applied to the interest on the domestic debt, that the several States be allowed to discharge the same by indents for interest on loan-office certificates, and upon other certificates of the liquidated debts of the United States: And to ascertain the evidences of interest due upon loan office-certificates, the holders thereof respectfully, shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the loan-office of that State wherein they are inhabitants, or if foreigners, to any loan-office within the United States, and to have the interest thereon settled and certified to the last day of the year 1785.

Provided that the commissioner of the continental loan-office in any State, shall not on any pretence whatever, settle or issue any certificate or certificates, for the interest due on any continental loan-office or other certificate of liquidated debts, until the State for which he is continental loan-officer, shall have passed a legislative act complying with this requisition; nor shall the commissioner aforesaid, in any State that shall have complied with this requisition, issue any

certificate, or take any other measure whereby a discrimination may be made by such State, between the holders of loan office certificates issued from his office, who are citizens of that State, and foreigners, or the citizens of any other State that shall have complied with this requisition; Provided always, that any continental loan-officer shall issue certificates for interest as aforesaid, due on continental loan-office certificates issued from his office, and belonging to foreigners, and also to the citizens of such States as shall have passed a legislative act complying with this requisition.

That every commissioner of the continental loan office, previously to settling or issuing certificates as aforesaid, for the interest due on certificates of liquidated debts, other than loan office certificates, shall administer an oath or affirmation, or require a certificate signed by one of the persons whom the State in which the commissioner resides, shall, in the legislative act complying with this requisition, appoint, that he has administered to the owner or possessor of every such certificate, an oath or affirmation, that the same is *bona fide* the property of the particular State in which the said commissioner resides, or of a citizen or citizens of the said State, or of some corporate body or charitable institution within the same, or of some person who is not a citizen of the United States, describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same, or as may be prescribed by the legislature of the said State.

And for preventing the depreciation of certificates to be issued as aforesaid, the legislature of each State is required to provide, in the act complying with this requisition, that if, on the first day of July, 1787, the said States quota of the said certificates so to be issued, shall not be in the hands of the state treasurer, or other proper officer, the deficiency shall be collected and paid into the continental treasury in specie, which when so paid, is hereby appropriated to the redemption of such surplus certificates.

That the board of treasury furnish the several loan officers with certificates to be issued for interest, as aforesaid, and also with such checks and instructions as they from time to time shall judge necessary to prevent counterfeited certificates of debts, from obtaining a settlement of interest, and to detect counterfeit evidences, of interest, and thereby to avoid receiving them in discharge of taxes; which certificates of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same; and therefore shall be receivable from the bearer in lieu of money, in the proportion of one dollar and one-third in specie for one dollar in indents, in any other State in the Union, as well as in the State in which they were issued. That the State receiving such certificates, and paying the same into the public treasury, with a proportion of specie as aforesaid, shall have credit therefor, which payment shall be considered as a discharge of the interest on the domestic debt in the proportion that each State avails itself of the

said certificates of interest. That all loan-office certificates issued after the first day of March, 1778, shall be reduced to their specie value, conformably to the resolution of Congress of the 28th June, 1780, and the interest shall be ascertained and settled agreeably to the specie value of the certificate.

SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

June 22, 1786.

Proceedings of Assembly of Delaware on Internal Navigation, 1786.

State of Delaware.

In the House of Assembly, June 15, 1786.

Whereas, by the Communications made from the Executives of the States of Pennsylvania and Maryland, it appears that those States respectively have appointed Commissioners to confer with Commissioners to be appointed on Behalf of this State for effecting a navigable Communication between the Bays of Chesapeake and Delaware, improving the inland Navigation of the River Susquehannah, and on any other Subject tending to promote the Commerce and mutual Convenience of those three States; therefore, in Compliance with the Desire of the said States of Pennsylvania and Maryland, expressed by their Appointments of Commissioners for the Purposes aforesaid, Resolved,

That [the Honorable William Killen, Esq^{r}, The Honorable Gunning Bedford, Esq^{r}, The Honorable John Jones, Esq^{r}, Robert Armstrong, Esq^{r}, and Eleazer McComb, Esq^{r}, be, and they are hereby appointed Commissioners to meet such Commissioners as are, or may be, appointed on the Part of Pennsylvania and Maryland, for the Purpose of considering and digesting the most proper Measures for effecting a navigable Communication between the Bays of Chesapeake and Delaware, for improving the inland Navigation of the River Susquehannah and the Waters communicating with it, and also to confer on any other Subject that may tend to promote the Commerce and the mutual Convenience of the said States; and that their Proceedings be reported to the next Session of the General Assembly for their Examination and Adoption, if approved; and that His Excellency the President be requested to transmit a Copy of this Resolve to the Executives of Pennsylvania and Maryland.

Sent for Concurrence.

In the Council, June 23, 1786. Read, considered, and agreed to.

THO. McDONOUGH, Speaker.

Extract from the Minutes.

JAS. BOOTH, Cl'k of Assembly.

Commissioners for Western Boundary Line to Council, 1786.

Shanangoe Creek, 25th of June, 1786.

Gentlemen,

We beg leave to inform Council, That on the 19th Inst. we began to extend the Line of the Western boundary of the State, and have proceeded upwards of Three Miles—we have fallen in with several Hunting parties of Indians since our arrival in the woods; they all appear friendly & peaceable.

We are, with Respect,

Gentlemen, Your Obedt. Serv'ts,

ANDREW PORTER,
ALEXANDER M'CLEAN.

John Van Campen to Sec'y of Council, 1786.

Smithfield, June 27, 1786.

Sir,

It Remains no Longer a Doubt with me that this Bandity at Wioming is determined not to Subordnnat to the Laws of this State. You will observe by the inclos'd paper, Sign'd Franklin, his assuming authority at that place—the woman he mentioned was Legally Removed to that place agreeable to the Law provided for that purpose.

Franklin is Lately arriv'd at Wioming from the State of Connecticut from the meeting of the Susquehanna Company. Ethan Allen is Expected Soon. Franklin assumes more authority and more positive Dispises the Laws of this State with more Contempt than formerly; to be particular in Regard to this Bandity, time will not admit. From many Circumstances, I am now Convinced that the people will Declare a New State, or pretend the Laws and Regulations of State of Connecticut—the old proverb is worthy of observing in this Case—nip the Bud when young. I fear it has been Neglected in this Case.

I am, Sir, your most
obedient, Humble Serv't,

JOHN VAN CAMPEN.

Directed,

John Armstrong, Esq^{r}, Secretary of Council, Philadelphia.

Robert Milligan to Sec'y Armstrong, 1786.

27th June, '86.

Sir,

The enclosed is a copy of the list of Commissioners appointed by the Delaware Assembly to confer with us on the subject of the Canal; it was sent to me a few days ago by Doctor Way, of Wilmington, & I believe may be depended on as the true appoinment.

Thinking this information might be acceptable to Council, I take the liberty to forward it to your hands to be communicated if you see proper.

I am, Sir, yr. obed't Serv't,

ROBT. MILLIGAN.

Commissioners to meet the Commercial Convention: John Dickinson, George Reed, R. Basset, Wm Killen.

Commissioners to confer on the subject of the Canal: Gunning Bedford, Eleazer McComb, Robt. Armstrong, J. Jones.

Directed,

Gen. Armstrong, Council Chamber.

Delegates in Congress to Pres. Franklin, 1786.

New York, 30th June, 1786.

Sir,

It is with Regret we find occasion to mention that the discontents which arose between Congress and the Executive Council of Pennsylvania in the year 1783, are not wholly forgotten. An Application frem Mr John Sullivan for pay and commutation as an officer of the Line or Quota of Troops of Pennsylvania, which has been pressed on the Commissioner of Army Accounts in an unusual Manner, has occasioned a Reference to Congress, and of course a revisal of some of the circumstances which accompanied those Discontents. The matter we more particularly allude to, is a supposed Reluctance in the Executive of Pennsylvania to call to account & punish the persons concerned in the Mutiny of the Soldiers in 1783 which produced consequences not necessary to be now described. This Mr Sullivan and Mr Carbery were supposed to be promoters of the Mutiny, & to have fled the Country in consequence of it. In 1784 Mr Carbery returned to Maryland and was there arrested. Notice, it is said was given to the Council of Pennsylvania, where the offence was committed, and certain affidavits and other Documents tending to prove the guilt of Mr Sullivan and Mr Carbery were transmitted to Council & still remain in their custody; but that Mr Carberry was not de-

manded, nor any legal cognizance of the Affair taken on the Part of Pennsylvania.* Some time in 1785, it is said, Mr Sullivan appeared and that he has since remained publickly and without disguise in Philadelphia, unquestioned by public authority touching the said offence.

We know of no late Act of Congress as a Body, except the Resolution approving the Conduct of the Commissioner in refusing the Demands of Mr Sullivan, on which to ground this communication; but in the course of the Investigation suggestions and Insinuations were used which indicated opinions and sentiments less honourable to the Executive Authority of Pennsylvania than we could perceive without Pain, tho' we were not sufficiently informed to oppose them with Success. We are not apprized that Congress either desire or expect any Explanations on this Subject, nor would we be understood as desirous of reviving Discussions which have been heretofore permitted to subside; but we conceive it to be our Duty to advise your Excellency of the existence of some remains of those discontents which we had hoped would forever have remained in oblivion. Your Excellency and the Council will judge whether any and what use to make of the Information.

We do ourselves the Honour to inclose herewith a Copy of a List of Papers transmitted to Council by the Secretary of Congress in 1784, which List was called for and read on the occasion we have alluded to; and a copy of the Resolution of Congress on the application of Mr Sullivan.

We have the honor to be very respectfully,
Your Excellency's most obedient,
& most humble servants.
CHA. PETTIT,
JOHN BAYARD.

Directed,
His Excellency, The President of Pennsylvania.

In pursuance of Order of 17 May, 1784, sent to the Supreme Executive Council of Pennsylvania, the following Papers, indorsed as follows.

1. Copy of Demand made by Mutineers, June 21, 1783.

2. Copy Address of Mutineers to Sup. Ex. Council of Pens'a delivered 25 June, 1783, read in Congress, June 30, 1783.

* See pages 59, 60, 61, 74, 290, 293, 320, 323, 324, 575, 576, 580, of Vol. X., and Col. Rec. Vol. XIII., p. 610–612, Vol. XIV., p. 105, 106.

3. June 30, 1783. Deposition of Sergeant Rich'd Murthwaitt of Invalids.

4. July 2. Deposition of Solomon Townsend, Serg^{t} in Colonel Humpton's Regiment.

5. July 1. Dep^{n} of Ja^{s} Bennet Serg^{t} Major of Artillery.

6. July 1. Dep^{n} of Joseph Morgan, Serg^{t} of Artillery.

7. Copy read June 12, 1783. Deposition of Benja. Spyker taken before M^{r} Levan of Reading, Subject of a conversation with Serjeant Nagle.*

8. A Copy of a Letter from James Christie to the Sup^{rm} Ex. Council of Pens^{a}, and a Copy of a Commission or Appointment of Officers as a Committee by the Non-commissioned officers & Privates in the Barracks in Philad^{a}, read, 30 June, 1783.

9. Copy papers signed James Bennet, delivered to Sup. Ex. Council of Penns^{a}, read in Congress, June 30, 1783.

1. A Letter signed Henry Carbery dated Cape Henlopen, 29 June, 1783 directed to Major W^{m} Nichols, Merch^{t}, Philad^{a}.

2. A Letter signed H. Carbery, dated June 26, 1783, directed to M^{rs} Mary Carbery, S^{t} Mary's, Maryland.

3. A Letter signed John Sullivan, dated theCape, 30 June, 1783, directed to H. Moylan, Esq., Col. Command. L. D. Philadelphia.

4. A Paper signed J. S., directed to Mr. W^{m} Huston & containing this—consult your own safety. We cannot possibly get to you.

5. Report of the Mutiny, by Col. Humpton, 24 June, 1783, read in Congress, July 3, 1783.

* Vol. X., p. 577.

Dr. GENERAL ACCOUNT OF RECEIPTS AND

General Account of Receipts and Expenditures of the United States, from 1st November, 1785, to 30th June, 1786.

1785,			
Nov. 1.			Dols. 90ths
To Balance in the Hands of the Treasurer of the United States, this Day, as per Account forwarded to the States,			71,471 54
1786,			
June 30.			
To General Account of Taxes, for so much Specie received, viz.			
From Massachusett,		3,777 29	
Rhode Island,		201 8	
Connecticut,		8,463 23	
New York,		22,013 20	
New Jersey,		8,964 62	
Pennsylvania,		112,741 73	
Delaware,		3,881 36	
Maryland,		68,282 50	
Virginia,		22,777 29	
			251,102 60
To Ditto, for so much received in Indents, viz.			
From Massachusetts Quota of 10 Sep., 1782,	192,000		
28 Apr., 1784,	30,860 45		
		222,860 45	
Connecticut, 28 Apr., 1784,		7,832 78	
New York, 28 Apr., 1784,		36,933 67	
Pennsylvania, 10 Sep., 1782,	180,000		
28 Apr., 1784,	53,441		
27 Sep., 1785,	200,824 70		
		434,265 70	
Delaware, 28 Apr., 1784,		10,011 69	
Virginia, 28 Apr., 1784,		29,901 7	
			741,805 66
To Emissions of Paper Money on the Funds of Individual States in pursuance of an Act of Congress of 18th March, 1780.			
Received from the State of New York,			25,200
To General Post Office, for so much received,			8,000
To Sundries, viz.			
Cornelius Sweers on Account,		448 68	
George Olney, do.		3	
			451 68
To Balance being the Amount of Specie payments beyond the Receipts, or an Anticipation of the Public Credit,			14,235 31
		Dollars,	1,112,267 9

EXPENDITURES OF THE UNITED STATES. Cr.

General Account of Receipts and Expenditures of the United States, from 1st November, 1785, to 30th June, 1786.

1786, June 30,		Dols. 90ths
By Anticipation of the Taxes by the late Superintendant of Finance,		
For so much paid of 94,166, 86–90ths, unpaid 1st November, 1785,		703 60
By so much paid Mr. John Wheelock, President of Dartmouth College; the same having been received by the Commissioners of the Loan in Holland, for the use of said College, and credited by them in Account with the United States,		76 41
By Expenditures in Specie, viz.		
Civil List,	62,891 54	
Paymaster General's Department,	31,752 42	
Subsistence of the Army,	28,441 80	
Military and Ordinance Stores,	3,593 60	
Quarter Master's Department,	4,567 69	
Cloathing Department,	1,158 45	
Payment of Old Accounts,	9,137 44	
Pensions, Annuities and Grants,	9,211 67	
Indian Affairs,	1,081 17	
Payment of Foreign Interest,	170,200	
Contingencies,	3,468 7	
		325,504 35
By so much paid by the State of Pennsylvania, by virtue of acts of the United States, on Account of the said State's Quotas of existing Requisitions, and as per Accounts settled at the Federal Treasury, viz.		
For taking up British Desert's, per Act 30th March, 1782,	2,365 83	
Pensions to Invalids, per Act 23d April, 1782,	12,067 34	
Ditto, 7th June, 1785,	29,743 50	
		44,176 77
Domestic Debt—For so much towards the Payment of Interest on the Domestic Debt, by Indents made receivable in Taxes,		741,805 66
	Dollars,	1,112,267 9

Treasury of the United States,
Register's Office, July 1, 1786.

JOSEPH NOURSE, Register.

John Lukens to Sec'y Armstrong, 1786.

Surveyor Gen. Office, 3d July, 1786.

Sir,

Pursuant to the order of Council of the 29th ult. I would just remark that I have not yet received any return of Survey from Mr. Douglass, nor any written account subsequent to said order; but would beg leave to lay before Council a verbal message received (tho' not directly) from him, viz:

"Griffith Evans sends word ℔ Capt. Morrison of Washington "County that Mr. Douglass purposed to set out to survey his "District in the Depreciation lands immediately after the July "Court in Fayette County."

yours, &c.,

JNO LUKENS, S. G.

Directed,

To John Armstrong, Junr., Esqr., Sec'y. to Council.

Ephraim Douglass to John Lukens, S. G., 1786.

Sir,

I am exceedingly sorry to have compelled you by my delay, to remind me of my duty—I plead guilty to the (involuntary) breach of it, but would beg your patience while I explain the Cause. In September last when I had made every preparation to undertake it in person, I was seized with a disorder which for more than six months rendered me totally unable to undergo the fatigue—In the mean time, I employed another person to execute the business for me, he went to the ground and began, but unfortunately his assistants, unacquainted with Indians, got allarmed at their frequent visits before he had made a sufficient number of surveys to return to your office—This Spring I have employed another person who is obligated to have the whole business compleated by the first day of July next, and from his character, which I had from Major Alexander to whom he was an assistant last year, and who pledged himself to me for his faithful performance, I have not a doubt of his punctuality to the time, after which none shall be delayed until the Returns are made. . . . .

In the Confidence that I shall leave you no further room to doubt my willingness to hold to my engagements.

I have the honor to be

most respectfully, Sir,

your very humble servant,

Directed, EPHRAIM DOUGLASS.

John Lukens, Esquire, Surveyor General.

Indorsed,

1786, July. From Ephraim Douglass, Esq'r, Deputy Surveyor —his Office vacated, see minutes of 7th July, 1786.

Gov. Vandyke of Delaware to Pres. Franklin, 1786

New Castle, July 14, 1786.

Sir,

Agreeably to the Directions of the General Assembly of this State. I have the Honor to communicate the inclosed Resolution, and am with the greatest Respect,

Sir, your Excellency's,

most obedt. humble Servant,

Directed, NICHS. VANDYKE.

(On public Service,)

His Excellency, The President of the Supreme Executive Council of the Commonwealth of Pennsylvania.

John Nicholson to Pres. Franklin, 1786.

Comptroller Generals Office,

Sir, July 15th, 1786.

When at New York I thought it a favorable opportunity to urge the Board of Treasury to grant an order upon the Continental Loan Officer in Pennsylvania in favor of the State Treasurer for 390,000 Dollars of the New Emission money belonging to the State and in possession of Mr. Smith. The inclosed paper marked No. 1 is a Copy of my letter to them on the subject in Novem. 1785, that marked No. 2 covering the paper marked No. 3 are copies of the letter and inclosures addressed to them on the same subject when in New York, I also had a conference with the said Board upon that subject but no order was granted, altho' it was not absolutely refused yet from the enquiries of the Board what is its present value? what do I suppose it will be worth by January next? what funds have been provided for its redemption? and whether they will be adequate and productive together with enuendoes of the advantages it would be of to the United States, leaves no doubt with me that they design to order it out of Mr. Smith's hands and have it sold for the benefit of the United States as they have done with the same kind of money in some of the other States, such a step would throw the State into much embarrassment, and put it out of her power to fulfil her promises and discharge her engagements. I beg leave to submit whether it would not be proper to attach the said Bills of Credit in the hands of Mr. Smith, so as to prevent this evil.

I have the honor to be,

with the highest Respect Sir,

your most obedt. Servt.

Directed, JNO. NICHOLSON.*

His Excelly. The President in Council,

* See Col. Rec., Vol. XV., p. 54.

No. 1.

Comptroller General's Office,
Philada. Novem. 29th, 1785.

Gentlemen,

By an order of the late Superintendant of the Finances of the United States drawn upon the Treasurer of the State of Pennsylvania in favor of Thomas Smith Esqr., Contr. Loan Officer, the sum of £146,250 in Bills of Credit of this State, April 7th, 1781, was paid by the State to the latter, to be substituted in lieu of an equal Sum of the Bills emitted by this State pursuant to act of Assembly of June 1st, 1780, which were then in the Continental Loan Office, the sum for which this was substituted, yet lies in said Office and hath not been paid to the State. And Permit me to request that an order be drawn upon the Commissioner of the Continental Loan Office in favor of David Rittenhouse Esq., Treasurer of Pennsylvania for the Sum of 390,000 Dollars being the Bills of Credit aforesaid so that they may come into the State Treasury and be destroyed.

I have the honor to be, &c.,

JNO NICHOLSON

The Honble. the Board to Treasury New York.

No. 2.

New York, July 8th, 1786.

Gentlemen,

I had the honor to address the Board of Treasury some time ago on the Subject of a balance of the Bills of Credit emitted pursuant to act of Assembly of the State of Pennsylvania of the 1st, day of June 1780, now in the hands of Thomas Smith, Esq., Continental Loan Officer and which is due to the said State. As a Warrant or Order hath not yet been granted directing the payment of those Bills into the Treasury of Pennsylvania,—I beg leave to renew my application and to request of your Honble. Board that the same be done. I here enclose the original Warrant of the Superintendant of Finance drawn on the State Treasurer and the Receipt in discharge thereof, from which you will see that the Bills of Credit aforesaid amount to 390,000 Dollars now in possession of said Loan Officer, belong to the said State, and should be delivered over to the State Treasury. I conceived that the inclosed would serve better for information than Copies taken from them, but as they are original papers of great consequence, I must take the liberty to request that they be returned to me again, and I shall do myself the Honor to wait upon the Board for them.

I am with high respect,

Gentlemen, your most obed. Servant,

JNO. NICHOLSON,

The Honorable, the Commissioners of the Board of Treasury.

Wm. Montgomery to Pres. Franklin, 1786.

Nort'bd Co., July 21st, 1786.

His Excellency, Doctor Benjamin Franklin, Esq.

Sir,

I lately received a letter from Wioming signed John Franklin, which I beg leave to inclose for the perusal of the Council; and also an inclosed bit of a Newspaper printed (I suppose) in Connecticut, the Contents of both of which, I think, a little extraordinary. In order to inform your Excellency & Council of the ocasion of this letter I beg leave to trouble you with a very short sketch of a letter I had written to a Certain Myers living at that place. The letter was intirely of a public nature, and sent there to inform them of what I had been informed by Genl. John Bull had been lately done in Congress respecting the Susquehana Claimants, suspecting, that art is often used to keep the true state of things from the common People. I also therein agreeable to the request of the Hon'ble Council, in the Letter I had the Honor to receive in answer to the dispatches sent by Gl. Bull, expressed the assurances of Council, that the virtuous, and peacable should have protection, and earnestly pressed them not to follow the wild schemes of Men not satisfied, or easy, under the established forms of Government; Hinted how much better it was to enjoy the benefits of our Constitution, and Laws, than to subject themselves to all the distress which must follow a contention with us, and a Rebellion against Government; and what, probably, irritated him, viz., Franklin most; I gave it clearly as my opinion that when distress arose those men, now the most active, and uneasy, would leave them to shift for themselves—There is much of my letter either wilfully misunderstood, or greatly misrepresented, I have just added two very short notes in the Margin of the inclosed to prevent a misapprehension of my sentiments; and conduct.

I have had nothing further lately from that Quarter other than the inclosed. This John Franklin is the Coll. of their Militia, and a principal Man among them; I make no doubt but that his letter is fully expressive of the intentions of a great Number at Wioming, and for my part, I confess, I should be glad to see that part of the Country erected into a County; that if they have the least desire of becoming orderly Citizens of this state, they might have an opportunity so to do; altho' I very much doubt, whether they would accept the favor.

I am, Sir, with the greatest respect
your Excellency's
& y^e^ Councils H'ble Ser't,
WM. MONTGOMERY.

Directed,
His Excellency Benjn. Franklin, Esqr. Presd't, &c., Philada.

Memorial of Light Infantry of Philadelphia Co., 1786.

To The Honorable, The Supreme Executive Council of the Commonwealth of Pennsylvania.

Honored Sirs,

Congress we are well assured has lately received an *Official* Declaration from the Court of London, "*That they will not relinquish the Posts and Garrisons on our Frontiers.*" This additional violation of the Solemn & Sacred Treaty of Peace on the part of Great Britain, we take the Liberty to observe, is generally viewed and considered as a *Declaration of War,* as it manifests a Disposition for Hostility and reprisal. But as the situation of our Public Finances does not admit the raising a Regular Army, Congress, we understand, have it in Contemplation to call, on the several States, for a Portion of Militia, to disposses the British Troops of those Fortresses. Under this Idea, several Volunteers, from New Jersey and New York have already tendered their services to Congress and, as Members of the Light Infantry Company belonging to the 2d Battalion of Pennsylvania Militia, who wish not to be excelled or out done in Point of Zeal and Activity in promoting the Interest and Welfare of our Country at large, we take this early opportunity to entreat that your Honorable Body will be pleased to consider us as the *First* on the List of Volunteers from *Pennsylvania,* whenever Congress shall think proper to adopt so necessary a Measure.

With every sentiment of Respect,
we remain Honored Sirs, your most obedient,
and very Humble Servants,

Eleazer Oswald, Capt.	Chs. Wm. Lecke,
Saml. Hanse, Lt.	Samuel Folwell,
Peter Wiltberger, Ensg.	Septimus Claypoole,
Robt. Parry,	B. F. Bache,
Robt. Crozier,	Abraham Singer,
Jacob Mayer, Jun.,	James Rees,
Tho. Reynold,	Jo. Melbeck,
William Caurre,	Tho. Seddon,
William Edwards,	J. Whitehead,
John N. Hagenau,	Peter Benson,
Francis Wade, Jun.,	John Darragh,
J. Levy,	Willm. Murray,
Saml. Wiggleworth,	Joseph Anthony,
John Morgan,	Jno. Lawrence,
John Fairbairn,	Jacob Wikoff,
Robert Aitken, Jun.,	Wm. Cavenough,
Fran. Ingraham,	Jno. Tillinghast,
Jacob Wiltberger,	

Philadelphia, August 1, 1786.

Chas. Pettit to Hon. Chas. Biddle, 1786.

New York, 2d August, 1786.

Dear Sir,

The requisition for the year 1786, has this day been passed in Congress, so nearly in the form & on the principles contained in the printed copy of the Draught I sent you some time since, that I shall not now trouble you with the mention of the little alterations that have been made, especially as we are yet sitting & in debate of other matters.

I will, however, mention some attempts we made (tho' unsuccessfully & with very little support from any other State) to obtain some essential alterations in the Estimate, and of course in the sum to be required. For this purpose I send you another copy as the shortest mode of explaining what I mean. The Requisition is for money for the service of the year 1786, we therefore moved to strike out the article marked A, as relating to a future year, as providing for a second years Int. on the foreign Debt, when but one years Int. is provided for on the Domestic Debt, tho' the latter was before, one years Provisions behind the former; and because it was beginning a Provision for the Payment of the Principal of the Foreign Debt, even before it becomes due, without holding out any intention of a Provision for any part of the Domestic Debt, which has been long due; and that this (unnecessary at present,) attempt to anticipate payments, which we have heretofore rested on the Revenue System, recommended by the Act of April, 1783, would be considered as contemplating the relinquishment of that system on the Establishment, which we suppose the public credit so much depends, & that this Idea would have a great tendency to defeat the Establishment of that system now so nearly matured.

This being denied, we moved to double the article marked B, in order to make a Provision for the Domestic Debt, proportioned to that made for the Foreign; this was also denied. We therefore thought it our duty to oppose the general question on the Requisition as it stands; but is was carried by 9 or 10 States.

I am streigtened for time & can say no more at the present moment. This may serve as information to Council, though it does not go in official form.

I am Dear Sir, your
most obedient servant,
CHAS. PETTIT.

Directed,

The Honble Charles Biddle, Esq.

Resolution of Congress—Requisitions, 1786.

By the United States in Congress assembled, August 2, 1785.

Resolved, That for the services of the present year, one thousand seven hundred and eighty six, for the payment of the interest, and two installments of principal on the French and Dutch loans, that are payable according to the Contracts, in the beginning of the year 1787, and for the payment of one year's interest on the domestic debt, it will be necessary that three millions, seven hundred and seventy-seven thousand, and sixty-two dollars 43-90th, be paid into the common treasury, on or before the first day January next, to be appropriated to the following purposes.

For the civil department, . . .	Dollars.	169,352 86
Military department, ...		168,274 50
Contingencies, ...		94,294 65
Indian affairs, ...		6,000
The department of the geographer, . . .		8,953

FOREIGN DEBT.

For the payment of interest due this year on the French and Dutch loans,	317,985 10	
For ditto of principal and interest due in the year 1787, which ought to be provided for this year,	1,392,059 17	
For a balance of interest due on the Spanish loan,	2396 55	
For one year's interest on debts due to foreign officers,	11,185 55	
		1,723,629 47
Domestic debt, one year's interest thereon,		1,606,560 65
	Dollars,	3,777,062 43

That the QUOTAS of the several STATES be as follows:

	Indents.	Specie.
New-Hampshire, ...		76,268
Ditto, ...	56,452	
Massachusetts, ...		324,746
Ditto, ...	240,370	
Rhode-Island, ...		46,764
Ditto, ...	34,613	
Connecticut, ...		191,135
Ditto, ...	141,474	

New-York			185,567
Ditto,		137,434	
New-Jersey,			120,619
Ditto,		89,279	
Pennsylvania,			296,908
Ditto,		219,765	
Delaware,			32,475
Ditto,		24,037	
Maryland,			204,775
Ditto,		151,570	
Virginia,			371,136
Ditto,		274,707	
North-Carolina,			157,732
Ditto,		116,749	
South-Carolina,			139,017
Ditto,		103,015	
Georgia,			23,288
			2,170 430 Specie
Ditto,		17,167	
			1,606 632 Indents
	Total,		3,777 062

That the foregoing requisition is made in virtue of the powers of the confederation, and is obligatory on the states as such, and when paid shall be passed to the credit of the states respectively, on the terms prescribed by the resolve of Congress of the 6th day of October, 1779, and shall be applied in conformity to the statement in the preceding part of this requisition giving preference according to the order in which they are placed in the estimate.

As one million, six hundred and six thousand, five hundred and sixty dollars called for, is to be applied to the payment of the interest on the domestic debt, that the several states be allowed to discharge the same by indents for interest on loan-office certificates, and upon other certificates of the liquidated debts of the United States: And to ascertain the evidences of interest due upon loan-office certificates, the holders thereof respectively, shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States to carry the same to the loan office of that state wherein they are inhabitants, or if foreigners, to any loan-office, within the United States, and to have the interest thereon settled and certified to the last day of the year 1785.

Provided that the commissioner of the continental loan office in any state, shall not on any pretence whatever, settle or issue any certificate or certificates, for the interest due on any continental loan office certificate, or other certificate of liquidated debts, until the

state for which he is continental loan officer, shall have passed a legislative act thereby providing adequate funds for complying with this requisition; nor shall the commissioner aforesaid, in any state that shall have complied with this requisition, issue any certificate, or take any other measure whereby a discrimination may be made by such state, between the holders of loan office certificates issued from his office, who are citizens of that state, and foreigners, or the citizens of any other state that shall have complied with this requisition: Provided always, that any continental loan officer shall issue certificates for interest as aforesaid, due on continental loan office certificates issued from his office, and belonging to foreigners, and also to the citizens of such states as shall have passed a legislative act complying with this requisition.

That every commissioner of the continental loan-office, previously to settling and issuing certificates as aforesaid, for the interest due on certificates of liquidated debts, other than loan-office certificates, shall administer an oath or affirmation, or require a certificate signed by one of the persons whom the States in which the commissioner resides, shall, in the legislative act complying with this requisition appoint, that he has administered to the owner or possessor of every such certificate, an oath or affirmation, that the same is *bona fide* the property of the particular state in which the said commissioner resides, or of a citizen or citizens of the said State, or of some corporate body or charitable institution within the same, or of some person who is not a citizen of any of the United States, describing the certificate or certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to indentify the same, or as may be prescribed by the legislature of the said state.

And for preventing the depreciation of certificates to be issued as aforesaid, the legislature of each state is required to provide, in the act complying with this requisition, that if on the first day of July, 1787, the said state's quota of the said certificates so to be issued, shall not be in the hands of the state treasurer, or other proper officer, the deficiency shall be collected and paid into the continental treasury in specie, which, when so paid, is hereby appropriated to the redemption of such surplus certificates.

That the board of treasury furnish the several loan offices, with certificates to be issued for interest as aforesaid; and also with such checks and instructions as they from time to time shall judge necessary to prevent counterfeited certificates of the debts from obtaining a settlement of interest, and to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes: which certificates of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same; and therefore shall be receivable from the bearer in lieu of money, in the proportion of one dollar and one third in specie for one dollar in indents, in any other state in the union, as well as in the state in which they were issued. That the

state receiving such certificates, and paying the same into the public treasury, with a proportion of specie as aforesaid, shall have credit therefor, which payment shall be considered as a discharge of the interest on the domestic debt, in the proportion that each state avails itself of the said certificates of interest. That all loan office certificates issued after the first day of March, 1778, shall be reduced to their specie value, conformably to the resolution of Congress of the 28th June, 1780, and the interest shall be ascertained and settled agreeably to the specie value of the certificate.

Provided, that so far as relates to the state of South-Carolina, this requisition be considered as including one million of dollars, being that part of the requisition of the 30th October, 1781, which hath heretofore remained uncalled for, so far as to entitle the said state to the benefit of paying the same in such manner as she was entitled to pay her quota of the said requisition.

CHA. THOMSON, Secy.

Indorsed,

Resolutions of Congress respecting supplies for the present year Interest on foreign debt &c., Oct. 30 1786, referred to Committee on Ways & means.

Chas. Pettit to Pres. Franklin, 1786.

New York, 4th August, 1786.

Sir,

In a joint Letter which Col. Bayard & myself did ourselves the Honour to address to your Excellency the 26th of last Month, we proposed at a future Time to state to your Excellency the Heads of the Arguments used in the Debate on the Report of the Board of Treasury recommending a Continuation of the Issuing of Indents of Interest in Pennsylvania. That Statement I have the Honour to transmit herewith.

Yesterday a requisition on the States for supplies for the year 1786, was agreed to in Congress; it is now in the Press & will be officially transmitted to the States by the Secretary.

I have the Honour to be
with the greatest Respect
your Excellency's most obedient
& most humble Servant,

CHA. PETTIT.

Directed

His Excellency, Benjamin Franklin.

The Report of the Board of Treasury* tendering a Resolve that they "be authorized and directed to give Orders for the Continuation of the Issue of Indents of Interest in the State of Pennsylvania agreeably to the Requisition of the 27th of September last" &c., being read, it was moved that the same be referred to the Board to take order.

This was thought to be the best mode of disposing of the Business, as it would restore the matter to the original Footing on which it stood on the first act of the Board acknowledging the compliance of the State with the Requisition and directing the Payment of Interest accordingly, without placing on the Journals any Record of the versatile Conduct which had taken Place. And as the Proviso in the proposed Resolution left the Claim of the State, as to the 86,658 Dollars, undecided upon, and it was thence supposed that little or no opposition would be made to the motion, it was thought best not to invite it by stating arguments in favour of the motion unless they should be rendered necessary in answer to objections.

The motion was objected to as unreasonable, unjust and impolitic.

Unreasonable, 1st, Because from the words of the Requisition of the 27 & 28th of April, 1784, it was plain that the one fourth to be discounted in Certificates of Interest related only to one fourth of the *Balance* then remaining unpaid of the four millions, whereas the Discount demanded by the State was one fourth of their whole Quota of the four Millions. 2dly, Because no other State had made a like Demand. 3dly, Because the present debilitated State of the Finances would not admit of such a Deduction from the Specie Claims of the United States.

Unjust, 1st, Because it was well known that the Sums which had been paid by the several States on account of the eight million Requisition previous to the Statement accompanying the Requisition of 1784, had been consumed in the Service of former years, and that three fourths of the Balance remaining of the moiety of the eight millions, had been relied upon in Specie, by the assent & approbation of all the States, Pennsylvania included. 2dly, That opening the Loan office in Pennsylvania would let loose a Flood of Facilities to inundate the other States, whereby the Citizens of Pennsylvania would derive a Benefit to which they were not intitled till they should have fully complied with the Requisition.

Impolitic—1st, Because if this Discount were allowed to Pennsylvania, it must of course be allowed to other States in the same Proportion, which would occasion a Deduction of between three & four hundred thousand dollars from the Sum in Specie paid into or demandable by the federal Treasury on that Requisition.

2dly, That the meaning of Congress as to this Point, in the Act of April 1784, being plain, and not objected to at any Time since, but by Pennsylvania, it became Congress to persist in the Measure if it were only to avoid the Charge of versatility; but when it was considered that the yielding of this Point to Pennsylvania necessarily

* See page 15.

involved the admission of the like claim from other States, the Circumstances of the Treasury forbid any Relaxation.

3dly, If the State should now gain her Point in getting her Payments acknowledged and entered in the way she was aiming at, it would not be in the Power of Congress hereafter to control the adjustment of the Payments under the Requisition of 1784 as they ought to be adjusted—That the payment in Facilities was a desireable object to the State, and if Congress were firm on this Occasion, the State would comply with the Specie Payment in order to avail herself of the Payments in Facilities.

It was answered on the part of Pennsylvania.

That the claim of the State to have the 86,658 Dols. placed to the account of Facilities, was certainly reasonable, because it was founded in the highest Equity, & therefore it would be good Policy to admit it. That to reject it would in fact be an act of ill policy as well as Injustice: it would be punishing the most forward State in the Union in her Payments, merely for her forwardness, and rewarding the more backward States for their Delinquency.

But that as the Decision of this Point was expressly waved by the proposed Resolution, it was not necessary now to go into the Argument upon it; but to consider the Purport and Effect of the Resolution in other Respects, leaving this Point to be discussed hereafter—and if this resolution should be agreed to, the Discussion might probably be made with good Temper and an accommodating Disposition; but if otherwise, Disgust and Sourness might take place which might be highly injurious to public measures. That Pennsylvania had hitherto been among the foremost of the States in acceding to and promoting federal Measures, and had decidedly led the way in Contributions of Money: it was the wish of her Citizens that she should continue to do so:—but they had some knowledge of their Rights, and were not insensible to Indignities. They felt the late order for suspending the operations in the Loan Office as indelicate as well as unjust. Even admitting that the act of March last *might* be so construed as to fall short of a full compliance with the Requisition of September 1785, yet (as was now admitted by the Board of Treasury themselves) it *might* be so construed as to make a full Provision for that Requisition; and having been at first so construed and acted upon, the mode taken to bring the State into a Compliance which they deemed unjust, savoured too much of Indelicacy & Disrespect to have a conciliatory Effect, but might and probably would irritate & offend if not corrected as early as possible.

That it was evident from every circumstance that the Legislature intended, by their Act of March last, a full compliance with the Requisition of Sept'r 1785, whatever might be their view as to former Requisitions. It was also clearly evident that the Deficiency charged on the State related entirely to a former Requisition, and ought not to be considered as at all affecting the latter; it was therefore by a disingenuous & illiberal Construction of the Act of

Assembly, that it was declared to be an insufficient compliance with the Requisition which was its immediate object; and the insisting on that Construction betrayed a Disposition towards the State which her comparative merit as a member of the Union was far from deserving. That the Resolution under Consideration would leave the Dispute concerning the 86,658 Dollars on fair and Proper Ground for future Discussion without injury to either side of the Question If therefore the Proposition should be rejected, on what motive could it be accounted for that would not savour more of that narrow vindictive Spirit which too often attends the Bickerings of Individuals, than of that liberality and candour which should always mark the Conduct of States.

That the Board of Treasury had, by their Report, manifested a Desire to correct the Error they had committed; but having officially communicated the obnoxious measure to Congress, they considered an Order of the House necessary to enable them to proceed in it. The matter therefore now rested with Congress, and how far it would be proper to turn into Coolness and Disgust the federal ardor of a State which had been, and might be continued to be, a liberally yielding Source of Supplies, and that too on a mere punctilio which had been abandoned by the Board who brought it into View, must be submitted to their wisdom & Prudence.

Note.—These arguments were not delivered in the order in which they are here arranged, but were brought forth in a course of Answers, Replies, Rejoinders, &c., and are now stated from memory in such order as to convey the Intention, of the Speakers with tolerable Precision.

By Mr. Smith's Return there appears to be, of the $\frac{4}{10}$ths of the new Emissions, at the Disposal of the United States, viz^{t},

At Liberty by the Rec^{t} of old Emissions from the State of Pennsylvania, to the of Aug^{t} 1786	57,607 49
Will be at Liberty when the States shall have paid in the Balance of old Emissions	28,839 51
	86,447
Of which there remains due to the State on acc^{t} of the 390,000 Dollars exchanged for the State Emissions	78,642
*Balance remaining at the Disposal of the U. S.	7,805

It is proposed that this 7,805 Dollars shall be immediately at the Disposal of the United States, on Condition that they neither claim nor issue any part of the above mentioned 78,642 Dollars.

And as the said sum of 78,642 Dollars has been paid over to the State in Bills of the State of 1781—that the said Bills of 1781 be repaid to the U. States, or debited to the State of Penns^{a} in the general account at the †option of the U. States, they paying to the

State of Penns[a] the like Sum of 78,642 Dollars in the new Emission money of 1780.

Notes added since.

* Note.—This Balance is supposed to arise from some of the warrants not being fully paid which were estimated in the 208,000 Dollars supposed to be appropriated before the negotiation of the 390,000 Dols.

† This option was proposed in order to soften Feelings, and was so understood at the Time—But it was nevertheless expected, and so understood also, that the option would be decided according to the Desire of the State.

Wm. Hooker Smith to V. P. Biddle, 1786.

Wioming, Aug. 10th, 1786.

Sir,

We hear that Capt'n Schoots is this day set out for Philada., we Expect in order to ask for Protection for Corn'l John Frankling and Major John Jinkins, in order to attend the Assembly as Agents; we are at this time in Great Confusion, the Conduct of Capt'n Shoots is amasing to us, he appears of Late to be on the side of Allin, Franklin, Jinkins, & associates, he has Inlisted himself in Proprietors, wrights Pritty Largly & is Padling about with Franklin & Jinkins in the Land Jobing way; under the Susquehanna Proprietors, on Satterday the fifteenth of July, I sot out from Wioming, on a journey to Jersey, I spoke with Franklin in the morning as I sot out, who informed me that he had wrote a number of advertisements, to call the people together Some Day on the last of the month, I told him that I should be back in eight days; I Expected as soon as I was absent Frankling altered the advertisments, called on the people to meet on this Day, the 20th, whilst I was absent, the worning was two short for the people in this long Settlement, to have general notice, only a few, I am informed met, they were called upon to attend to bisness, Frankling Read to the people, what fue there was, the votes of the Susquehanna Company, who met of late, and desired that the people would adopt them by passing them into votes hear, on this the settlers withdrew all to a very fue, Frankling & Jinkins Pushed on the bisness. I am Credebally informed that there was not more than 25, which voted & most of them straglers. Jinkins gave out such threatening words, that no man present dare apose, Jinkins declared that if any man in the settlement did oppose the doings of that meeting he would distroy him. John Jinkins swore in the most sollemn manner, that in case the people should constitute or appoint any other agent than what should be chosen by that meeting; that day he would send them to the Eternall Shades of Darkness, and that he knew he could rase a party to

assist him, & that he would Distroy Both men, woman and children, he would not spare the lives of any one, Little or Great, and he would take their effects to himself. Refer to the inclosed, which was handed to me; They chose at that meeting Frankling and Jinkins for agents; They have the sword in their hands, Frankling is a Colonel, and Jinkins Major; the settlers cannot make any Defence, they have been deprived of their armes, the half share men are well armed, thirty of them can destroy the whole settlement. The former part of this Letter I wrote at Wioming; I am on the track of Capt'n Schoot, & this day at Hellers at wind Gap; when I began this letter I expected to have sent it by a young mann my Neighbourhood; if these men should get protection from Council, it will disharten the settlers, they are not chosen by the settlers, if they come under your Protection it will be their designe to affront you, & bring on a Rupture. The Susquehanna Company have voted to give the west branch people their lands, by this they expect one thousand men from thence to assist one Hue Forgeman has been of late at Wioming, who lives now at Dellaware, he has formerly been a justice at Wioming under Connecticut, he saith that when Ever Franklin calls he can have from that Neighborhood five or six hundred men, Franklin and associates brag that they can have from west Branch 1000, from Delaware 500, from Varmount 1000, such Reports intimidate the people. Notwithstanding there is yet virtue in most of the settlers. I have copyed Hamiltons Letters and spread them in the settlement, which is not only economising but Stimulates, when I left, the people were all in a Tumult. I have Drawn a Petition to offer to the Assembly, which was signing briskly when I left. The settlers in general fix on me as their agent. I Expect to Receive from them in a few Days, the Petition and a Power of agency, and Instructions to the Assembly. Franklin has had of Late a Request of Powder; we had three Cannon at Wioming, which is Either secreted, or sent to Tioga. The principal agents against Government are, John Franklin, John Jinkins, James Fin, Christopher Holbert; they have voted against taking the Laws; they have pursuaded the people against Government. You will observe the inclosed Letters. I fear my family will be Destroyed; I Dare not go to Wioming at present; people can be had plenty against the above persons. If they could be brought to justice, or removed, the people would soon be quiet. If your Honors should want any Inteligence from me, before I come to the Assembly, I may be found either at Hellers, at wind Gap, or at Colonal Strouds.

Dear Sir, I am,
your Honors most
obdt. Hble. Servant,

Hellers, Aug. 11, 1786. WM. HOOKER SMITH.

Directed,
Vice President.

P.S.—Turn over.

P. S.—If the Wioming Disturbance should come to an open rupture, if troops should be sent to enforce the laws, Doct'r Smith begs that the friends to Government may not suffer with the disobedient. I should wish to go with them, or at least be permitted to give in a list of Names of such as are friends, & beg for Protection, as to my own part, I am Devoted & at your honors Service, I wish for Regularity, order & an Introduction of the Laws.

W. H. SMITH.

Abraham Westbrock, &c., to V. P. Biddle, 1786.

Honr'd Sir,

This comes by Doctor Smith, who is obliged to fly. Franklin & his party have knowledge of his informing Government of Hamilton's Letters, Franklin & Jinkins have given out most shocking threatenings, as to the meeting which Franklin warned of Late, and Proceedings, and as to every particular transacted hear, refer to the Doctor; we feel ourselves sensably bound by our oath of fidelity to the States, and in Conscience as Honest men, to Declare against the Proceedings of Franklin & Jinkins, and as we Expect soon to come to an open Rupture; the Doctor has Drawn a Petition which is now signing, & the Letters from Hamilton are Public, we are determined to act on the Honest side, if the oposite party should prove to hard for us, we hope we shall Receive assistance from Government.

Honored Sir, we are
Devoted & your Honors
obdt. Humble Servants,
ABRAHAM WESTBROCK,
SAMUEL HOUER.

Indorsed,

Papers transmitted by Wm. Montgomery, Esq., &c., relating to the Wyoming business, &c., to be laid before a Committee of the House, for private inspection.

Directed,

To Charles Biddle, Esq'r, Vice President of the Supreme Executive Council, in his absence to the President.

A meeting respecting Wyoming, 1786.

At a meeting held at the house of Abel Geranton, July the 20th, 1786, Jeames Fien, Moderator.

In the first plase Franklin read the Doings of the Meeting Latly held at Hartford by the Susquehannah Company, at which s^{d} Company voted that all that was setled on the West Branch under Pen-

sylvania shou'd hold their Lands, and that all that was on the East Branch should hold the Country for the s^{d} Company, and s^{d} Company would suport s^{d} setlers to hold s^{d} Lands for the Connecticut Claimants, and those on, should represent the whole. Franklin and Beach then Did Solemnly Declair that Congris had not setled nothing in regard to the write of Soil as some had reported, But quite the reverce for Connitiecut was Determin'd to have another tryal, for Jurisdiction, Purhaps that would not Com on soon as Pensylvania would allow the Peopel the Whole purchais and the Laws of s^{d} State it would be Best to accept for the present.

Obediah Gore, had a number of votes done ready for the peopel to vote to in s^{d} meeting which was that the peopel had good write to their Lands and that the Conniticcut Purchis was good, and authentick and the settlers hear should hold the whole of the Indian Purchis for the Conniticcut Clameants, and Franklin said that if any Man should fall of from that and take this Land, his, under the Stait of Pynsylvenia he should look upon to Be a Perjired Person and guilty of Perjury, in the highest Sort, the agents that should be chosen at s^{d} meeting should have their instruction not to take up with nothing Short of the whole Purchis, this was voted in the meeting, By about 20 or 30 and them Mostly half Shear men, and perhaps but fue of them that have ever taken the oath of fidelity, s^{d} Gore, Franklin and Beach told the meeting that in case they gave up their Indian Deed, they would Be all turned of amediately, and that if Pynsylvenia had granted a County Last Session, No Doubt, But they would grant the whole the Next.

John Jinkins then swore in the Most Sacred Manner that in case that the Peopel should Constitute or appoint any other agent, But what should Be chosen by that meating that Day, he would Send them to the Eternal Shades of Darkeness and that he knew he could raise a party to assist him at any time he wanted, and that he would Destroy Both man, woman and children, of all such persons he would not spair the Life of one either Small, or Great, and would take their effects to himselfo.

Agents Chosen at s^{d} Meeting to represent this Settlement at the August Session.

JOHN FRANKLIN,
JOHN JINKINS,
GILES SLOKEM, Director.*

The above writer was afrade to put his name, but what he has asserted can be proved by a number present.

* The foregoing paper is so badly written that it is difficult to decypher it.

Barbe de Marbois to Pres. Franklin, 1786.

Translation.

Philad[a], Aug[t] 10, 1786.

Sir,

For more than a year past the French Merchants of this City have apply'd to me, to know if they were oblig'd to appear under Arms with the Militia; and they have at different times requested me to make such Representations on the Subject as I should judge proper, as well to the Predecessor of your Excell[y] as to yourself. I have always answered them, that as I did not see any Attempt made to force them to this kind of Service, I should think it indiscreet to trouble the Executive Branch of Government with Reclamations that did not seem to have any Foundation. But it now appears that the Captains of the Militia are become more rigorous than heretofore, and some among them require the French Merchants not only to appear at the present Reviews, but to pay Fines for their former Absences.

As the Treaty of Commerce between France and the United States of America, leaves scarce any doubt respecting the perfect Reciprocity with which the Subjects of the two Nations ought to be treated, and that never any American Merchant has been molested in France on Account of the Militia, I dare hope that your Excell[y] would be pleased to take into Consideration the Representations which I have the honour to make in behalf of the French Merchants, and to take such Measures as you may judge proper for preventing their being hereafter troubled on that Subject.

I have the honour to be, with Respect,
Your Excellency's most humble,
& most obed't Servant.

BARBÉ DE MARBOIS.

Proposals Respecting Donation Land Lottery, 1786.

To His Excellency the president and the honorable the Supreme Executive Council.

The subscriber begs leave to propose to the honorable Council, that if they find occasion to employ a person to prepare (under their direction) the Lottery for distribution of the donation lands, to make out the patents, keep registers of the applicants &c., he would for a moderate compensation undertake the bussiness, should such service be found necessary & this proposal be approved the commands of the honorable Board or a committee thereof will be faithfully executed by, Their most obedient,
and most humble Servant,

Philadelphia, August 21, 1786. GRIFFETH EVANS.

Sec'y of Congress to Pres. Franklin, 1786.

Circular.

Office of Secretary of Congress, August 23d, 1786.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed two copies of the continuation of the Journal of Congress from the 1st June to 8th of the present month, one for the Executive, the other for the Legislative branch of Government.

With the greatest respect,

I have the honor to be, your Excellency's

Most obedient & most humble servt.

CHA. THOMSON.

Directed,

To His Excellency The President of Pennsylvania.

Resolution of Congress.

By the United States in Congress Assembled.

August 23d, 1786.

On the report of a Committee to whom was referred a report of the Board of Treasury relative to the issue of Indents to the State of Pennsylvania.

Resolved, That the acts of Congress of the 27th and 28th of April, 1784, do not authorise any state to pay certificates or discounts of Interest, on the domestic debt, to an amount exceeding one-quarter part of the sums or balances then due from the several States to complete a moiety of the requisition of the 30th October, 1781, for eight million of dollars.

Resolved, That the Board of Treasury be, and hereby are authorised and directed to give orders for the continuation of the issue of Indents of Interest in the State of Pennsylvania, agreeably to the Requisition of the 27th September last; provided that such emission of Indents be not considered as warranting that construction of the Requisition of the 27th & 28th of April, 1784, which the State has thought proper to make, and by which construction 86,658 dollars in specie due to the United States upon that requisition has not been provided for in the Legislative Act of the said State of the 8th March last.

CHAS. THOMSON, Secy.

Secretary of Congress to Pres. Franklin, 1786.

Office of the Secretary of Congress,
August 25th, 1786.

Sir,

I have the honor of forwarding to your Excellency herewith enclosed an act of the United States in Congress assembled directing the board of treasury to give orders for a continuation of the issue of Indents for Interest in the State of Pennsylvania agreeably to the requisition of the 27th Sept. last.

with the greatest respect,
I have the honor to be,
your Excellency most obedient,
& most humble Servt.
CHA. THOMSON.

Directed,
His Excellency Benj. Franklin, President of the Commonwealth of Pennsylvania.

A State of the Representation in Congress, 1786.

A State of the Representation in Congress, for the Month of August 1786, pursuant to the act of 17th August, 1785.

Members in Town,

New-Hampshire,
Mr. Livermore,
Mr. Long,

Massachusetts,
Mr. Gorham,
Mr. King,
Mr. Sedgwick,

Rhode-Island,
Mr. Manning,
Mr. Miller,

Connecticut,
Mr. Johnson,
Mr. Sturges,

New-York,
Mr. Haring,
Mr. Laurence,
Mr. Smith,

New-Jersey
Mr. Cadwallader,
Mr. Symmes,
Mr. Hornblower,

Pennsylvania,
Mr. Pettit,
Mr. Bayard,
Mr. St Clair,

Delaware,

Maryland,
Mr. Henry,
Mr. Hindman,
Mr. Harrison,
Mr. Ramsay,

Virginia,	South-Carolina,
Mr. Grayson,	Mr. Bull,
Mr. Monroe,	Mr. Pickney,
Mr. Carrington,	Mr. Huger,
Mr. Lee,	Mr. Parker,
North-Carolina,	Georgia,
Mr. Bloodworth,	Mr. Houstoun,
Mr. White,	Mr. Few,

The States represented were all present except Delaware throughout the month.

Commissioners on West Boundary to Council, 1786.

Western boundary of Pennsylva. Sept. 3d, 1786.

Gentlemen,

We beg leave to inform Councils That the Line of the Western boundary of the State is extended from the South West Corner One hundred & forty Three Miles, and hope to compleat it by the first of next Month.

We are now on Waters running Northward, but have no information of the distance to the Lake.

The Indians appear friendly and have expressed no dissatisfaction to our running the Line.

We are with Respect, Gentlemen,

your obedt. Servt.

ANDREW PORTER,
ALEXANDER McCLEAN.

John Franklin & John Jenkins to Pres. Franklin, 1786.

Philadelphia, Sept. 4th, 1786.

Sir,

We have the honour to inform your Excellency and the Honble Council that your letter of the 21st of August last,* under the hand of your Excellency and Seal of the State, granting Protection to the agents for the settlers of Wyoming—we received—pursuant thereto, we arrived at this City last evening for the purpose of Representing the said settlers in Council and Assembly according to our appointment and agency.

We shall feel ourselves happy to have a hearing in answer to any Crimes alledged against the people we have the honour to Represent, &

* See page, 14.

to lay such matters before the Honble Council or Assembly as shall be agreeable to the Instructions Given us, by our Constituents, and productive of the general good of the whole; at such times as an opportunity shall offer, consistent with Decency, rule and good order.

We are may it please your
Excellency your most
obdt. & hble. Servants,
JOHN FRANKLIN,
JOHN JENKINS.

Directed,

His Excellency, Benjamin Franklin, President in Council, Philadelphia.

F. Hopkinson to Supreme Executive Council, 1786.

To His Excellency the President & Honourable the Supreme Executive Council.

Gentlemen,

James Kennard, one of the Delaware Pilots has put into my possession, as Judge of the Admiralty, a small Sloop & a Negroe Boy, belonging, as it is said, to David King & William McDowall of the Island of Antigua, & from them piratically taken by the mate & brought into Delaware Bay, where the mate, after taking out the Captain's Chest & plundering the Cabbin, left her with only this Negroe Boy on Board. You will find the Circumstances of this Case more particularly set forth in the enclosed copies of the examinations I have taken of the Pilot & Boy.

By the Register of this Vessel it appears that the mate's name is *James Burn*, & by the Pilot's account he must probably have landed with his Plunder & a Negroe Lad, whom he took with him in or near Musmillion Creek in the State of Delaware.

I thought proper to give your Honours this Intelligence that you might, if you think proper, transmit the same to the Governour of Delaware State, in order that measures may be speedily taken for apprehending the wrong-doer and bringing him to Justice.

I have the Honour to be Gentlemen, your most
Obedient & very humble servant,
FRAS. HOPKINSON.

Philada., Sepr. 4th, 1786.

Examination of the Negro Boy Jem found on Board the Sloop Bumper in Delaware Bay, who says,

That he belongs to David King of Antigua, who put him on Board the Sloop Bumper belonging to his Master & William

McDowel, his Head Clerk. That Captain Simpson was Captain of this Sloop. That about three weeks ago they sailed from Antigua with Passengers to St. Croix, that from St. Croix they went down to St. Eustatia, where the Captain went on Shore to see if he could get any Passengers back to Antigua, & took two negroe boys with him. That the Captain went on shore about 12 o'clock at noon, & as soon as it was dark, the mate came away with the vessel, & left the Captain & two Boys at 'Statia. That after two Days sail they were to another place, he knows not where. That there a negroe Boy came on Board in a small Boat. That the mate hoisted the Boat in, & kept the Boy on Board, after which he made Sail, & in Ten Days made the Land of Virginia. That a Virginia Pilot Boat hailed him and asked him where he was bound, & the mate answered to New Providence. That next morning they were off Delaware Bay & a Pilot Boat from Delaware spoke them, & the said mate told them he was bound for New York. That about nine o'clock that night, viz., the 28th of August, they cast anchor near the shore. That the mate was desirous of going on shore immediately, & hoisted out the small Boat for the Purpose, but the wind blew too hard, & so he was obliged to wait till morning. That about Day break he came to him, this Examinent, & waked him, ordering him to go on shore with him, but the Examinent not choosing to go with him, went down into the Hold and hid himself. That the mate called after him several times, but he not answering, the mate with the other negro Boy went on shore, taking with them the Captain's Chest, containing his Cloathes and Money. That they also stripped the Cabbin of its Furniture, such as Knives & Forks, Glasses, Cups, Curtains & other things. That after they were gone he came from his hiding Place & looked out for some Boat, & seeing a Pilot Boat at a distance he hoisted the Jack on the shrouds as a signal, whereupon a Pilot came on Board & brought him up to Philadelphia.

Being examined respecting the mate, he says, that he was called James, but does not know his other name. That he came on board with the Captain at Antigua, they having both been employed on Board a schooner belonging to the same Owners, which they left to come on Board this Sloop.

That James, the mate, is a stout man, not very tall, & wore his own Hair strait & short behind. When he went on shore he had a check Shirt & Canvas Trowsers—did not wear Shoes or Stockings.

Examined & taken this 3d of Septr., 1786, Before

FRAS. HOPKINSON.

Be it remembered that on the Third Day of September, in the year of our Lord, 1786, Before me, Francis Hopkinson, Judge of the Court of Admiralty for the Commonweath of Pennsylvania, personally appeared Jeremiah Kennar, Pilot, & being duly sworn, did depose and say:

That on Tuesday, the 29th of August, last being near Lewis Town, in Delaware Bay, he saw a Sloop lying at anchor at the Back of the Shears, (a shole in the Bay of Delaware,)—the sloop having a Jack at her shrouds as a signal. That Richard Howard, a Pilot, ran along side the Sloop & put the deponent on Board, & left him there. That the Deponent found no Persons on Board the Sloop but a negroe Boy, who told him that the mate had plundered the sloop & gone off in the Boat, leaving him alone on Board. That the negroe Boy further told this Deponent that the Sloop belonged to David King & Willm. McDowell, of Antigua. That one George Simpson was Captain, & sailed from Antigua to St. Croix in July last with passengers. That after the passengers were landed, she went up to St. Eustatia, & whilst the Captain was on shore there with two of the negroes, the mate came off with the Sloop with this Boy (Jem) on Board. That he sailed & came to an Island where a negroe Boy in a Boat came on Board. That the said mate then seized the Boat & Boy & came off with them, after which he arrived in Delaware Bay at 9 o'clock at Night, & about Day break he took the negroe Boy together with the plunder he had taken from the sloop into the Boat, & went off towards the shore of the Delaware State. That this Deponent piloted the said Sloop up to Philadelphia, where she now lies. That he found two Pocket Books on Board containing a number of papers & letters, which he delivered to Captain Falconer, & that there are still more books and papers on Board.

And further this Deponent saith not.

Sworn to, the day and year aforesaid, Before

FRAS. HOPKINSON.

David Lenox to V. P. Cha's Biddle, 1786.

Philada., 5th Sept., 1786.

Sir,

A duty which I owe myself obliges me again to trouble you, respecting an affair which I once had the honor of mentioning to you. On a settlement lately with the Comptroller General, he informed me it was out of his power to allow me depreciation of Pay after my Exchange, which was in April, 1778. After my Exchange, there was no man more anxious to continue in the Service than myself, and to shew it, I served the whole of the Campaign of 1778, as a Volunteer aid to General Wayne, (the then Commanding

Officer of the Pennsylvania Line,) as the situation of the army did not admit of my getting the Rank to which I was entitled, from that Circumstance alone, I was obliged to leave the service, but not as an officer resigned, but rather as a deranged one. Under those circumstances I think it a hardship, I should be deprived of depreciation of pay, &c.; from the time of my exchange to the time I came home, which was about the middle of September following, of this I produce General Waynes' Certificate, and which is in the possession of the Comptroller General. Should Council think proper to order me the settlement to which I flatter myself, I am entitled, (& which will fall far short of my expences, while upwards of eighteen months in the hands of an enemy,) you will add to the obligations I have already received from you, by writing me their determination to Baltimore to which place I set of in the morning.

I have the honor to be,
with much respect, Sir,
your obedient and
very humble Servt.,

Directed, D. LENOX.

The Honorable Charles Biddle, Esq.

Secretary of Congress to Pres. Franklin, 1786.

(Circular.)

Office of Secretary of Congress,
September 5, 1786.

Sir,

Pursuant to order I have the honor to transmit to your Excellency herewith enclosed, a State of the Representation in Congress for the month of August* to be communicated to the Legislature.

With great respect
I have the honor to be,
your Excellency's most
obdt. & most hble. Servt.,

Directed, CHA. THOMSON.

His Excellency, the President of Pennsylvania.

V. P. Biddle to Governor of Maryland, 1786.

In Council,
Philadelphia, September 6, 1786.

Sir,

This letter will be handed your Excellency by Sick Keesars one of the 30 East Indians concerning whom I have before had the honor

* See page 51.

of writing the Executive of Maryland. Tis now ten months since they arrived in this City, during the whole of which time they have been fed and cloathed at the expense of this State. They now return to Maryland under a prospect of getting from thence a passage to India, should Captain O'Donnell be willing to take them, and if not to throw themselves upon your Excellency and your Legislature for such patronage and support as their circumstances seem to require.

I am, Sir, your Excellency's
very Humble Servant,
CHARLES BIDDLE,
Vice President.*

Directed,
To His Excellency, the Governor of the State of Maryland.

Penn. State.
The Supreme Executive Council of the Common Wealth of Pennsylvania.

To all to whom these present was come, Greet.

This is hereby to certify that the bearer hereof Jiek Keesar and thirty other persons, natives of China and India, who have resided in this state since 1st day of Nov. last, have as far as our enquiries and observations extended, behaved in a sober and orderly manner, and are entitled to the good offices of all well disposed Persons.

Given in Council under the hand of the Hon. Charles Biddle, V. P., and the lesser Seal of the state at Phila., this 6th day of Sep., 1786.

Directed,
The Honorable Charles Biddle, Esq.

Officers of Militia of Philadelphia, 1786.

The Officers of the Militia of the City and Liberties of Philadelphia present their most respectful Compliments to his Excellency the President and members of the Hon^ble^ the Supreme Executive Council, requesting the honor of their presence at a review of the Light Companies and other Detatchments of said Militia, on Thursday the 14^th^ Inst. at 3 o'clock in the Afternoon.

Philad^a^, Sep^t^ 12th, 1786.

Directed,
His Excellency, the President of the Supreme Executive Council.

* Col. Rec. XV., p. 75.

David Jones to Council, 1786.

To the honorable, the Supreme Executive Council, of the Commonwealth of Pennsylvania,

Greeting.

Your Honors may remember that you received a request from me to order the Sale of a certain Tract of Land situated in Buffaloe valley in the County of Northumberland, forfeited as the Property of Thomas Mackeness, which is not yet sold. Wm. Mackeness is now present, & supposes his Property should not have been forfeited, as he left America in '75 before the Declaration of Independence; but if it must be sold, he wishes it may be done as soon as possible, as there is a Prospect of Redress in great Brittain.

Waiting an answere,

I am your Honor's most obed't Serv't.

DAVID JONES.*

Sept. 12, 1786.

Directed,

The Honorable the Supreme Executive Council of the Commonwealth of Pennsylvania.

Opinion of Attorney General on Case of J. O'Hara, 1786.

Third street, Sept'r 18, 1786.

Dear Sir,

I have considered the ordinance of Congress of the 30th Sept'r, 1780, and the objection arising from it, viz., "That no officers in the "late General Hospital except such as are enumerated in that ordi-"nance, were intended to be provided for by the resolution of the "20th Feb. 1782." This objection at first appeared considerable; but upon turning to the original resolve, (which is misrecited in the act of Assembly,) the difficulty in a great degree disappears.

Upon the fullest consideration I could give this subject I am of opinion that the ordinance of the 30th Sept. cannot be the rule of construction, in this case, and that we must not confine ourselves to the officers therein mentioned.

First, because the resolution of Feb. 20, expressly provides for those who resigned after the 10th April, 1780, & consequently may include officers of the first Establishment, before the new arrangement took place in Sept.

Secondly, because those who were *left out* by this very arrangement of Sept'r, are also provided for. The Act of Assembly misrecites this

* Sale, ordered Col. Rec., Vol. XV., page 82.

part of the resolution of Congress & thereby creates the difficulty you did me the honor to state to me. It speaks of those "who became supernumerary by the arrangement of October," but the original resolve, relates to "those who became supernumerary by the arrangement in *September*. All the Commissaries became supernumerary thereby.

Thirdly. By the same resolve of Congress the Comptroller General of the United States, is authorised to settle the depreciation of the pay of "*the officers in the late General hospitals*," who resigned or became supernumerary as aforesaid & do not belong to any particular, state." Under this resolve, I understand, that persons not mentioned in the ordinance of Sept^{r}, have been settled with & their depreciation allowed. If so, this being a continental business, & the sums granted chargeable to the U. S. it appears to me that the construction adopted by their officers, is a safe one for us.

Lastly, As this is a mere matter of depreciation, a mere fulfillment of the original contract, an act of justice & not of bounty, I conceive that all ordinances & acts of assembly on this subject ought to be construed liberally, in favor of the claimants. It is for these reasons, Sir, that I cannot think the ordinance of Sept. militates with the opinion I gave. I am sensible however that a wider construction than you were inclined to give the act will let in the claim of many persons; & if the reasons I have adduced should not prove perfectly satisfactory, I should be sorry that a matter of so much consequence to the state should be decided by my opinion alone; & would advise that those of the judges be taken, as one of them was on the committee which brought the resolution into Congress, the subject is probably familiar to him.

I have the honor to be with the greatest respect,
Sir, Your most obed^{t}, & very hum. Serv^{t}.
W^{m} BRADFORD, Jun.*

I have considered the depreciation account of James O'Hara late Commissary in the General Hospital of the United States, as settled by the Comptroller Gen^{l}, and thereupon beg leave to report to Council.

That by the act of the 13th April, 1782, "all officers in the late General Hospitals who were inhabitants of or belonged to this State at the time of entering into Service, & who became Supernumerary by the arrangement of Oct^{r}, 1780, or resigned before 10 Ap^{l}, 1780, and were not otherwise provided for by law," are entitled to the depreciation of their pay.

As this act was passed merely to carry into execution a resolve of Congress & is expressed in the very terms of that resolve, & as the

* See Col. Rec., Vol. XV., p. 80.

depreciation allowed is on the account of the United States, I apprehend that we must resort to the proceedings of that body, to learn what construction we ought to give to those words, "All Officers in the late General Hospital." Accordingly we find that in the ordinance first establishing the department, in that regulating their pay, and in many others *Commissaries* are considered as & termed *Officers*. I am therefore of opinion that Mr O'Hara, (if other circumstances conspire) is within the meaning of the Act, & that the account is properly passed.

Wm BRADFORD, Jun.

Philadª, Sept. 10th, 1786.

Directed,

Honble Charles Biddle, Esq., Vice President, &c.

Commissioner to Commercial Convention to Pres. Franklin, 1786.

To the honorable the Supreme Executive Council of the Commonwealth of Pennsylvania.

The undersigned commissioner appointed by your honorable board to attend, with his colleagues, at a meeting with commissioners from the other states in the union held in the city of Annapolis for the purpose of taking into consideration the trade of the United States begs leave to report that such meeting did accordingly take place the proceeding whereof are herein enclosed.

Your commissioner also begs leave to report that no commissioners having been appointed by the State of Virginia for the purpose of conferring with those of Maryland and Pennsylvania concerning the commercial regulations of the three states, and it being impossible to have a conference with the Maryland commissioners at that time, two communications were made in writing copies whereof are also enclosed.

It will be proper further to inform your honorable board that a meeting with the commissioners to be appointed by Virginia and with your commissioners upon the latter business is earnestly desired by the commissioners of Maryland and as the immediate interest of Pennsylvania and the well being of the United States may be promoted by a liberal & judicious arrangement at such a meeting it is much to be wished that it may take place.

Your commissioner conceives it necessary for the satisfaction of your honorable board, as well as for his own justification to state the particular circumstances under which he found himself in the execution of each of the duties assigned to him. Difficulties probably not to be obviated, prevented the commissioners of the eastern states from arriving at Philadelphia in their way to Annapolis so early as they wished, and all your commissioner's colleagues being

engaged in public business, they justly conceived that they should more faithfully discharge their various duties to the State by continuing in Philadelphia 'till some of the eastern commissioners should appear. In the meantime the public & private engagements of several of the commissioners assembled at Annapolis were such that it became impossible for them to remain beyond the period when the adjournment took place. Under these circumstances your commissioner trusts that the steps which he ventured to take in the absence of his colleagues will not meet the disapprobation of Goverment, but that they will be ascribed to his anxious desire to prevent two commissions so important to the state & to the nation at large from being entirely unproductive of beneficial consequences.

TENCH COXE.

Philadelphia September 19th, 1786.

Directed,

The honorable the Supreme Executive Council of the Common wealth of Pennsylvaniaa. *

Tench Coxe, Commissioner, to Commissioners of Maryland, 1786.

Baltimore, September 16th, 1786.

Gentlemen,

As a Commissioner from the State of Pennsylvania I expected the satisfaction of a conference with you under a Commission from the Legislature of Maryland on the subject of the Duties and other matters affecting commerce in the two States. I find however that this cannot now take place for various reasons. This being the case I have conceived it to be my Duty to make this communication and to request that you will do me the honor of reporting it to your Legislature.

The assimilation of those Commercial Systems which have been adopted for a time by the several States has appeared to the Legislature of Pennsylvania a very desirable object viewed in a National light. Tho' difference of Circumstances has led to dissimilar Regulations it has been held that none should be adopted which militate against the fundamental and essential principles of the Union.

In examining the Laws of Trade in the several States the following Facts have been found to exist, 1st, That the Duty of Tonnage on Vessels built in or belonging to the Citizens of the other States is greater than that imposed on Vessels belonging to the Citizens of the State enacting the Law and equal in some instances to the tonnage laid upon most of the Foreign Nations that have a commercial Intercourse with America.

2ndly, That the Duties imposed upon Goods imported in Vessels built in or belonging to other parts of the Union are greater than

* See Col. Rec., Vol. XV., p. 86.

those laid on Goods imported in Vessels belonging to the enacting State.

3rdly, That Goods of the growth product and manufacture of the other States in the Union are charged with high Duties upon importation into the enacting State as great in many Instances as those imposed on Foreign articles of the same kind.

To procure an alteration of these matters evidently opposed to the great principles and Spirit of the Union, the State of Pennsylvania empowered her Commissioners to the general Convention to treat with you who were appointed by the Legislature of Maryland and with other Commissioners who it was expected would be appointed by the State of Virginia. The Legislature of Virginia not having appointed Commissioners for treating of this Business, I have been led to make a communication similar to this through the Commissioners from that State to the general Commercial Convention.

Having pointed out the Circumstances in the Commercial Laws of the other States which appear to our Government to require reconsideration it will be necessary to inform you how the Laws of Pennsylvania stand in these particulars. They declare as follows 1st, That all *Vessels* belonging to the Citizens of the United States whether Pennsylvanians or others shall pay the *same* Duty of Tonnage and they do not discriminate against ships belonging to the Citizens of the other States in any charge whatever.

2ndly, They impose the same Duties on *Goods* imported in Ships belonging to the Citizens of Pennsylvania as are laid upon Goods imported in Ships belonging to the Citizens of the other States in Union.

3rdly, They exempt entirely from Impost all Goods, Wares and Merchandize of the growth, product or Manufacture of the United States.

It is easy to see that the Legislature of Pennsylvania was influenced to this kind of Conduct by a regard for the general Commerce of the Nation and that federal Considerations have led them to extend their care to that great object without any discrimination in favor of *their own Citizens*. The only deviations from those principles observable in the Commercial Laws of Maryland being an extra Tonnage upon Vessels which are not both built in and belonging to the Citizens of the State and an Impost upon Rum manufactured in other parts of the United States it is presumed that the Legislature has been influenced in some degree by the same Considerations which have operated in Pennsylvania. But as these two facts as far as they go counteract the design and Spirit of the Union by placing the Citizens of the Confederacy on the footing of Foreigners and as they may lead to similar Regulations in the other States and further as it must ever be the policy of Wise Nations to attend to the smallest deviations from essential principals at their first appearance; I trust that the Legislature of Maryland on further consideration will not permit these Regulations to remain in force but that

they will rather concur with Pennsylvania in pursuing measures which by blending the Interest must cement the Union of the States.

I have the honor to be,
with the most respectful Consideration,
Gentlemen, your most obed. Servt.
(Signed,) TENCH COXE, Commissioner
for the State of Pennsylvania.

The Honbl. Samuel Chase, Peregrine Leatherbury, William Smith, Samuel Hughes and William Hensley Esquires, Commissioners for the State of Maryland.

Daniel Levan to V. P. Biddle, 1786.

Honored Sir,

A Number of the Inhabitants and Freeholders of the Borough of Reading, by their application to me setting forth, that, for the Ease and Dispatch of Public Business, in and for the County, that there is a necessity for another Justice of the Peace in the Borough of Reading, and their reasons being obvious & Good, as numbers on Orphans' Court, at the distance of Twenty miles and more, together with the minors, attend at Reading and for want of another Justice of the Peace, are put to the Expence of being detained, until the nearest Justice (who lives nine or Ten miles off) Can be sent for, and in Case of his absence they all must often go home without having their Business done, to their Expence and great detriment to the Estate of the minor Children,—by the act of the General Assembly passed at Philadelphia 4th March last, Our Representatives thought proper to pay no regard to the Constitution, which had enabled the Honorable Council to Commission two or more that were returned by Reading, as well as other County Towns, and restricted us to that Number only, and by a particular Section XIV deprived Council from doing us Justice, the good People here Cannot comprehend that they by any act of theirs, to the Detriment of the State, should be looked upon more undeserving than their Brethren in the Sister County Lancaster, and would willingly put up with the unconvenient Law, but regret that their Brethren in the County must share the Same Calamity, when our Lancaster Brethren can do their public transactions more ready, and we pride ourselves to have been fully as ready in the field of Danger,—and as you represent the little Patriotic County of Berks in Council, we rely that you will if possible, advise us how we are to proceed.

I am, Sir, with Particular Esteem
Your most obed't Serv't,

Reading, Sepr. 20th, 1786. DANL. LEVAN.

Directed,
Honorable Charles Biddle, Esquire, Philadelphia.
Hon'd by Major Church.

Board of Treasury to Pres. Franklin, 1786.

Circular.

Board of Treasury,
September 25th, 1786.

Sir,

In obedience to the orders of the United States in Congress we do ourselves the honor of transmitting to your Excellency for the Information of the Legislature of the State in which you preside, a Certified Copy of the act of Congress of the 18th Inst.

The reasons which have induced that Honorable Body to enter into the Enclosed Resolves are so evidently dictated by a regard to the great Interests of the Confederacy that we cannot doubt but that the wisdom of the several Legislatures will discern the propriety of acting in strict conformity with them in all their proceedings which relate to the Collection of the Revenue appropriated for the Service of the United States.

We have the Honor to be
with great Respect
your Excellency's
obed't huml. Serv'ts,

SAMUEL OSGOOD,
ARTHUR LEE.

Directed,

His Excellency, Benjamin Franklin, Esq'r, President of the State of Pennsylvania.

Resolution of Congress, 1786.

By the United States in Congress assembled.

September 18, 1786.

The committee, consisting of Mr. Pinckney, Mr. St. Clair, and Mr. Harrison, to whom was referred a letter of the 12th from the board of treasury, together with a letter from the commissioner of the loan-office to the state of Rhode Island, and an act of the legislature of that state; having reported,—

"That it appears from these communications, the legislature of the state of Rhode-Island, by an act passed at their last session, have made the paper currency of that State receivable on all arrears of taxes due to the United States; that as this explanation of the law of the state, relative to the late requisitions of Congress, entirely defeats the intentions of those acts, the commissioner of the loan-office has suspended the issue of indents in that state, on the requisition

of the 27th September, 1785, until he should receive the directions of the board of treasury on that subject. The board further remark, that the legislature of the state of New-Jersey, have also made their paper currency receivable on the arrears of taxes due on the requisition of the 27th and 28th April, 1784. On this statement the committee observe, that as the requisitions of Congress are calculated for the purpose of requiring from the states a sufficient sum for the payment of the interest due on the foreign and domestic debt, and the maintenance of the civil department, no deviation can be admitted from the mode of payment therein established, without exposing the funds of the United States to great loss and inconvenience, particularly as the discharge of the interest due on the foreign debt, and the maintenance of the civil government, must altogether depend upon the payments that are made into the federal treasury in specie. That to admit the receipt of bills of credit issued under the authority of an individual state, in discharge of their specie proportion of a requisition, would defeat its object, as the said bills do not circulate out of the limits of the state in which they are emitted, and because a paper medium of any State, however well funded, cannot, either in the extensiveness of its circulation, or in the course of its exchange, be equally valuable with gold or silver, That if the bills of credit of the states of Rhode-Island and New Jersey, were to be received from those states in discharge of federal taxes upon the principles of equal Justice, bills emitted by any other state must be recived from them also in payment of their proportions, and thereby instead of the requisitions yielding a sum in actual money, nothing but paper would be brought into the federal treasury, which would be wholly inapplicable to the payment of any part of the interest or principal of the foreign debt, or the maintenance of the government of the United States. That as the consequences of the precedents which have been established by the states above mentioned are dangerous to the interests of the union, the committee conceive it necessary for Congress to express their sense upon the subject." Whereupon,

Resolved, That as the annual requisitions of the United States in Congress assembled, were made by them in virtue of the powers of the confederation, and for the necessary purposes of government, the same are obligatory on the states as such, and ought to be discharged by them in the manner by the said requisitions directed, and in no other.

Resolved, That as the payment of the interest, and such parts of the principal, of the foreign debt of the United States, as are included in any of the requisitions of Congress; and the maintenance of the federal government cannot be provided for but by payments in specie into the federal treasury of the sums respectively required of the states therein, no payments, either in bills of credit, or in any

other mode than those pointed out by the said requisitions, can or ought to be admitted in discharge of the same.

Ordered, That the board of treasury transmit a copy of the above resolutions to each state, and issue instructions to the respective loan-offices conformable thereto.

CHA. THOMSON, Sec'y.*

Instructions to Samuel Dale, 1786.

In Council,
Pa., September, 25th, 1786.

Sir,

You will to proceed as soon as possible to Wyoming, and there distribute as many of the Laws that are passed erecting the "Northern part of the County of Northumberland into a seperate County;" as you may think necessary; you will then go on to Tioga and enquire of Capt. Spalding, James Strawbridge or any other person of Character into the robbery said to have been committed by a certain John Hogg, and some people that were with him. If you cannot see the Indians that complain of being rob'd, leave the money with Capt Spalding to give them, taking his receipt, procure all the information you possibly can concerning the Robbery; that the perpetrators may be brought to Justice; Take every opportunity of Acq^{s} the people with the favorable disposition of Government to them; that, if they behave peaceable, they will not only be treated with Justice, but generosity by the State.

I am, Sir,
your obedient and
very Humble Servt.,

Directed, CHARLES BIDDLE.*
Samuel Dale, Esquire.

Notice.—John Franklin, 1786.

Whereas by a law of this State, enacted the twenty-third Day of September, one thousand seven hundred and Eighty-six, A new County is erected from the Nescopeck Creek on the south, to the north Line of the State, extending East to the Lehigh, and West to the ridge of land dividing the waters of the East Branch from the waters of the West Branch of the Susquehana river, by the Name of the County of Luzerne.

That the inhabitants thereof have Right to enjoy all and Singular Jurisdictions, powers, Rights, Liberties and privileges that the Inhabitants of other Counties of the State do, may or ought to enjoy.

* See Col. Rec., Vol. XV., p, 107.

And whereas the second Tuesday of October instant is the Day appointed by Law for holding the annual election in the several Counties in the State, that the new and Extraordinary Circumstances of this Settlement render it highly expedient that a meeting be held to adopt measures in Conformity of the above recited Law. These are therefore to notify the settlers and freeholders of the said County of Luzerne, that they meet at the house of Abel Pierce, Esq., in Kingston, on Saturday the 7th instant, at one o'clock, P. M. 1st. To hear the report of the Agents returned from Philadelphia. 2d. To adopt Measures (so far as may be consistant with the Constitution and Law) for holding an Election at the time appointed by Law. And 3dly. To transact any other Business proper and necessary to be Done at said meeting.

Dated at Wilksbury in the County of Luzerne, October the 2d, 1786.

Signed, JOHN FRANKLIN.

JOHN FRANKLIN TO DR. J. HAMILTON, 1786.

Wilksbarre, Oct. 2d, 1786.

Sir,

As you are fond of news I send enclosed a few lines for your perusal, the following Copies, (viz.,) 1st. Copy of Dr. Smith's Dismission. 2d. Instruction from Committee to the Agents. 3d. A Letter from J. Franklin. 4th. His Excellency's Answer in Council. 5th. A Letter from Franklin and Jenkins as Agents, &c., to Council, Dated Sept. 6th. 7th. A Letter from Franklin and Jenkins to Speaker of Assembly. 8th. Petition from do. to Assembly, Dated Sept. 11, 1786. 9th. Debates of the house on sd Petition; Committee appointed, &c. 10th. Some few remarks, with the report of the Committee of Assembly.

I expect you have heard of Myself and Major Jenkins being appointed Agents to represent this Settlement in Council and Assembly. We accordingly attended; we arrived at Philadelphia, Sept. 3d. Were called before Council the 7th. The Honorable Chas. Biddle Presided as the President, was not able to attend. I had the Pleasure of Stating our whole Suffering to Council, from the Decree at Trenton to the present time; I left no stone unturned, the Discourse Continued about one hour and a half. Col. Armstrong and Esq. Boyd were present, they heard a Complete history of their Conduct while at Wyoming. I Did not forget the Proceedings of Assembly and Council towards us. We were heard by Council, who gave the greatest attention, and treated us with the greatest respect. We were heard without hindrance, restraint or Molestation. We were Requested to attend a Second time, which was Done; our Instructions were Requested, which we gave to Council to Peruse, a number of questions were asked, &c. Particularly respecting the Sheriff being opposed the last time he was at

Wyoming, &c. Council finally Recommended us to lay our Matters before Assembly.

His Excellency, B. Franklin, sent a Request to us informing that he has a Desire to have us call on him, we accordingly Waited on him, gave him a full account of our grievances, nearly the same that we had laid before Council, also gave him our instructions. His Excellency Expressed a great Pleasure in having the opportunity of hearing—he Informed us that he had heard something of the Disturbances, but was never so fully acquainted before.

We Presented a Petition to the House of Assembly, Sept. 11. I shall refer you to the Petition, and Proceedings thereon, however we were not heard by the Com'te of Assembly so fully as we were by Council. Messrs. Fitzsimmons and Clymer appeared as though they would wish to take advantage, and were very Inquisitive. Messrs. Finley and Smily were not present but a little part of the time, said but a few words to us, &c. I have made some remarks on that Subject to which I refer you. You will observe by the Report of the Committee that nothing is done to Confirm our title. We continued three Weeks at Philadelphia, Returned here last Tuesday—the Report of the Com'te was not adopted when we left them; however, we found it to be the unanimous opinion of the house, and thought not best to wait any longer. The Assembly have Compleated the new County according to the Bill, except the line from Nescopeck running N. West instead of West. The Agents Did not urge the Completion of the County, as we Wished to have a Confirmation of our Title first.

We have a Right to hold an Election the 2d Tuesday of this Month to Elect a Representative and other Officers of Government, but the time is so short We shall be obliged to omit, as we have no Authority to take the first step.

It may not be Amiss to Inform you that there were sundry Petitions against a Division of the County by our Enemies, but to no Purpose. Sundry Papers were sent to Council that were laid before Assembly (viz.,) 1st. Letter from Wm. Montgomery, Esq., dated May 17th, setting forth that Ethan Allen had came to Wyoming, with a number of others and were Cabelling to erect a new State, this was Confirmed by a letter from Esq. Shaw, who also sent a Copy of an Intercepted Letter (as he called it) from Joseph Hamilton to John Franklin, Dated March 24th,* advising for Independence —also my Letter to Col. Montgomery of the 26 of June last—and Sundry others—we may thank Dr. Smith for your Letter of the 24 March; he Received it in my Absence, took great Pains to send it to Esq. Shaw, that Council might receive it; he also Wrote a Letter to Council Informing against the People, setting forth that he was obliged to fly because he would not Join for Independence, (G . . D . . . . the Liars,) however, I asked Council Respecting the Complaints against us, they Informed us that the Complaints were

* See Vol. X., p. 751—also 764–768.

not worthy of Notice. We heard near the same from Assembly. I find Various opinions Respecting our Title—some advise us to apply Individually for Preemption Rights, others advise to apply for a tract 5 Miles on each side of the River, and Include Huntington and Providence, and are of opinion it may be granted, others say Civil Law must Determine the Soil, &c.

Mr. Gilbert is Waiting—I cannot Write as full as I Would Wish —I would mention the affair of your late Letter to Col. Butler Respecting Mr. Wigdon. Col. Butler Does not choose to meddle with settling Disputes—Major Jenkins is not Willing unless the number was larger, two only could not be a quorum—it has been talked of to make an Addition in the settlement to Act in Conjunction with us. I expect to Call a Meeting this Week and shall consult the Business. I shall Write more large when an opportunity offers.

Am in haste,
Your Ob't humble Ser't,
JOHN FRANKLIN.

N. B. People are not easy Respecting Capt. Strong's Town at Wasock, it is not settled—our People are threatning to settle it. I am much Blamed that I will not give Liberty to fill the Town.

You Will find the Coppys I Mention by the Pages, beginning at the Page (1.)

Directed,
Doctor Joseph Hamilton, City of Hudson, State of N. York.
Hon'd by Mr. Gilbert.

Report of Commissioners on Western Boundary Line, 1786.

We the Commissioners appointed to ascertain and Complete the Line of the Western boundary of the State of Pennsylvania, beg leave to Report: That we have ascertained and completed said Line by astronomical observations as far as Lake Erie; having opened a Vista, and planted Stones in the proper direction, marked on the the east side P. and that said Line extends some distance in the Lake.

October 4th, 1786.

ANDREW PORTER,
ALEXANDER McCLEAN.

* See Col. Rec., Vol. XV., p. 91.

Secretary of Congress to Pres. Franklin, 1786.

(Circular.)

Office of Secretary of Congress,
October 4, 1786.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed, two Copies of the continuation of the Journal of Congress from the 8th August to the 26th September last, one for the Executive the other for the Legislative branch of Government.

With the greatest respect,
I have the honor to be,
your Excellency's most
ob't & most h'ble Serv't,
CHA. THOMSON.

Directed,

His Excellency, the President of the Commonwealth of Pennsylvania.

Proposals for a Road, 1786.

To the Honorable the President and Supreme Executive Council of the State of Pennsylvania.

William Elliot of Path Valley, Franklin County, begs leave to submit the following proposal, viz.:

Whereas it is said that the Commissioners appointed by the Honorable the General Assembly of the state aforesaid, to view and Lay out a Road from the Widow Millers spring, in Cumberland County, to Pittsburgh; have not made a satisfactory report to your Honours, especially of that part which lies between Widow Millers' Spring and the Burnt Cabbins in Bedford County: and whereas a Petition is now on foot, to be presented to your Honours, praying for a Review of the Different ways from said Widow Millers' spring to the Burnt Cabbins aforesaid. Now Provided, your Honours will be pleased to grant the Prayer of said Petition now on foot, and Report be made in favr. of the way By Cummin's Gap, Bryan Clark's and Ramsey's Gap, (as the said Elliot Humbly Apprehends will) he the said Elliot for'and in Consideration of Eight Hundred Pounds to him advanced, will undertake to Clear a Road twenty feet wide, the whole way from the Run or small Branch of Canedogwinet, at the Entrance of Cummin's Gap, by Bryan Clarks and by Ramsey's Gap to the London Road at the Burnt Cabbins Except at steep Declivities, and that at such places he will clear a sufficient and safe way for one waggon, and passing places at the end of every

twenty Pearches, where three waggons going each way may conveniently pass each other ; and that he the said Elliot will put in sufficient security that he will perform the above undertaking by the first of July next, provided Council will Comply with the above proposal three Months previous to that time.

Signed. WM. ELLIOT.

October 8th, 1786.

Alexander McClean to Council, 1786.

Union Town, 10th October, 1786.

Gentlemen,

Having visited my family after my return from Lake Erie, I now proceed to finish the line of division between the Certificate and donation lands and lay out the residue of the Lots in district No. 1, and as it will be attended with Considerable expence, beg Council would please to direct the payment of my wages for assisting in compleating the Western Boundary. Ephraim Douglass, Esquire, will hand you this, and is requested to receive the sum, or such part thereof, as Council may direct.

I have the honor to be,
Gentlemen, your most
obedient and very
Humble Servant,
ALEXANDER McCLEAN.

Directed,

His Excellency, and the Supreme Executive Council, of the Commonwealth of Pennsylvania.

Secretary of Congress to Pres. Franklin, 1786.

Circular,)
Office of Secretary of Congress,
October 16th, 1786.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed an Ordinance passed by the United States in Congress assembled for establishing a board to liquidate and settle all accounts between the United States and Individual States.

As this Ordinance contains a recommendation to the several Legislatures to pass Laws to enable the said board and the person or persons commissioned by them to call before them respectively

witnesses, and examine them on oath or affirmation in all matters touching the claims exhibited to the board, your Excellency will be pleasod to submit this matter to the Legislature of the State over which your preside.

with the greatest respect,
I have the honor to be,
your Excellencys most obedient,
& most humble Servant,
CHA. THOMSON,

Directed
His Excellency The President of Pennsylvania,

By the United States in Congress Assembled.

October 20th, 1786.

The Committee to whom was referred the letter from the War Office with the papers enclosed containing intelligence of the hostile intentions of the Indians in the Western Country having Reported.

"That the uniform tenor of the intelligence from the Western "Country plainly indicates the hostile disposition of a number of "Indian Nations, particularly the Shawanese, Puteotamies, Chippa- "was, Tawas and Twightees. That these Nations are now assembling "in the Shawanese Towns, and are Joined by a banditte of despa- "radoes under the name of Mingoes and Cherokees, who are outcasts "from other Nations, and who have associated and settled in that "Country for the purpose of War and plunder. That they are "laboring to draw in other Nations to unite with them in a War "with the Americans.

"That it is expected one thousand Warriors will soon be collected "in the Shawanese Towns, from whence they have already dispatched "parties to commence hostilities. That from the Motions of the "Indians to the Southward as well as to the Northward, and the "exertions made in different quarters to stimulate the various "Nations against the Americans, there is the strongest reason to "believe that unless the speediest measures are taken effectually to "counteract and defeat their plans, the war will become general, "and may be attended with the most dangerous and lasting con- "sequences.

"That the Committee, therefore, deem it highly necessary that "the Troops in the Service of the United States be immediately "Augmented, not only for the protection and support of the frontiers "of the States bordering on the western territory and the valuable "settlements on and near the margin of the Mississippi, but to "establish the possession and facilitate the surveying and selling of "those intermediate lands which have been so much relied on for "the reduction of the Debts of the United States." Whereupon,

Resolved unanimously that the number of one thousand three

hundred and forty non-Commissioned Officers and privates be raised for the term of three years unless sooner discharged, and they, together with the Troops now in Service, be formed into a Legionary Corps, to consist of 2040 non-Commissioned Officers and privates. That the additional Troops be raised by the following States, in the following proportions, to wit.,

New Hampshire,	260	Infantry and Artillery.
Massachusetts,	660	
Rhode Island,	120	
Connecticut,	180	

Maryland and Virginia each 60 Cavalry, making 120.

That the Secretary at War inform the Executive Authorities of the respective States in which the Troops are to be raised, the number and Rank of the Commissioned Officers to be furnished by each State in proportion to the Men.

That the pay and allowances to the Troops to be raised by this Resolve, be the same as established by the Act of Congress of the 12th of April, 1785.

That the said Troops shall be subject to the existing Articles of War or such as may hereafter be formed by Congress or a Committee of the States.

That the Board of Treasury Contract for a supply of Clothing Rations at such places and in such quantities as the Secretary at War shall Judge necessary.

Resolved Unanimously, That the States above mentioned be and they are hereby requested to use their utmost exertions to raise the quotas of Troops respectively assigned them, with all possible expedition, and that the Executives of the said States be and they hereby are requested in case any of their Legislatures should not be in session, immediately to convene them for this purpose, as a delay may be attended with the most fatal consequences.

Ordered, That the Board of Treasury without delay, devise ways and means for the pay & support of the Troops of the United States upon the present establishment and Report the same to Congress.

CHAS. THOMSON, Sec'y.

October 21st, 1786.

On the Report of the Board of Treasury, pursuant to the Orders of yesterday to devise ways and means for the pay and support of the Troops of the United States on the present establishment.

Resolved Unanimously, That the several States in the Confederacy be and they are hereby required to pay into the Federal Treasury on or before the first day June, 1787, their respective Quotas of the sum of five hundred & thirty thousand dollars in specie, which quotas are,

New Hampshire,	18,603
Massachusetts,	79,288

Rhode Island,	11,395
Connecticut,	46,746
New York,	45,368
New Jersey,	29,415
Pennsylvania,	72,504
Delaware,	7,950
Maryland,	49,979
Virginia,	90,630
North Carolina,	38,478
South Carolina,	33,973
Georgia,	5,671

Which sums, when paid, shall be passed to the Credit of the States respectively, on the terms prescribed by the Resolve of Congress of the 6th day of October, 1779, and that the Monies arising from the said Requisition be and hereby are appropriated for the pay and support of the Troops on the present establishment.

Resolved Unanimously, That the Board of Treasury be and they are hereby authorised and directed to open a Loan immediately to the amount of Five hundred thousand dollars, at six per Cent. per annum on the Credit of the foregoing Requisition, which they are hereby authorised to pledge to the Lenders for the faithful reimbursement of the Monies Loaned with the Interest thereof.

CHAS. THOMSON, Secy.

(Circular.)

New York, 23d October, 1786.

Sir,

In pursuance of an Order of Congress of the 9th Augt. last, of which the enclosed Paper No 1 is a Copy, I have the honor of herewith transmitting to your Excellency the List directed in it, & which contains an Account of all the Negroes belonging to your State that appear to have been carried away by the British when they evacuated this City.

I have the Honor to be,
your Excellency's Most obt. & hble. Servt
JOHN JAY.

Directed,

His Excellency the President of the Commonwealth of Pennsylvania.

Copy.

No. 1.

By the United States in Congress Assembled, August 9th, 1786.

On a Report of a Committee to whom was referred a Letter from the Secretary for foreign affairs.

Resolved, That the Secretary for foreign affairs cause to be made out separate Lists* of the numbers, names and owners of the negroes belonging to the Citizens of each State, and carried away by the British in Contravention of the late Treaty of Peace, and that he transmit the said Lists to the Executives of the States to which they respectively belong.

(Signed,) CHARLES THOMSON, Secy.

By the United States in Congress Assembled, 1786.

October 23, 1786.

The Committee consisting of Mr. Pinkney, Mr. Smith and Mr. Henry, to whom was referred an Act of the Legislature of the State of Georgia, Passed in consequence of the Resolution of the 30th April, 1784, respecting Commerce, and the subject of the said Recomendation, having Reported :—

"That, it appears by the said resolutions, the United States in Congress assembled recommended to the legislatures of the several states, to vest them, for the term of fifteen years, with powers to prohibit any goods, wares or merchandize from being imported into or exported from any of the states, in vessels belonging to or navigated by the subjects of any power with whom these states shall not have formed treaties of commerce—That they also recommended to the legislatures of the said states, to vest the United States in Congress assembled for the term of fifteen years, with the power of prohibiting the subjects of any foreign state, kingdom or empire, unless authorized by treaty, from importing into the United States any goods, wares or merchandize which are not the produce or manufacture of the dominions of the sovereign whose subjects they are: provided that to all acts of the United States in Congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary. The committee have carefully examined the acts passed by the several states in pursuance of the above recommendation, and find that the state of Delaware has passed an act in full compliance with the same—That the acts of the states of Massachusetts, Rhode Island, New York, New Jersey, Virginia and Georgia are in conformity to the said recommendation, but restrained in their operation until the other states shall have granted powers equally

* Such a list accompanies the foregoing document—giving in detail, in addition to the foregoing particulars, vessels names and commanders, where bound, ages and description, claimants, names of persons in whose possession they then were, with information as to their past history and owners. They were 71 in number, and from different parts, many of them had been slaves to prominent persons in Philad'a. It is deemed of no use to publish the entire list.

extensive.—That the States of Connecticut, Pennsylvania and Maryland have passed laws agreeeable to the said resolution, but have fixed the time at which the powers thereby invested shall begin to operate, and not left the same to commence at the time on which Congress shall begin to exercise it—which your committee conceive to have been the intention of the same.—That South Carolina, by an act passed the 11th March, 1786, have invested the United States in Congress assembled with the power of regulating the trade of the United States with the West Indies and all other external or foreign trade of the said states for the term of fifteen years from the passing of the said act.—That New Hampshire, by their act of the 23d of June, 1785, invested the United States in Congress assembled with the full power of regulating trade for fifteen years by restrictions or duties, with a proviso suspending its operation until all the other states shall have done the same.—That North Carolina, by their act of the 2d June, 1784, have authorized their delegates to agree to and ratify an article or articles by which Congress shall be empowered to prohibit the importation of all foreign goods in any other than vessels owned by citizens of the United States or navigated by such a proportion of seamen citizens of the United States as may be agreed to by Congress, which when agreed to by all the states shall be considered as a part of the articles of confederation and perpetual union. From the above review of the acts passed by the several states, in consequence of the said recomendation, it appears that, though in order to make the duration of the powers equal, it will be necessary for the states of Connecticut, Pennsylvania, Maryland and South Carolina so far to amend their acts as to permit the authorities therein granted to commence their operation at the time Congress shall begin to exercise them, yet still the powers granted by them and by the states of Massachusetts, Rhode Island, New York, New Jersey, Delaware, Virginia and Georgia, are otherwise in such compliance with the recommendation, that if the states of New Hampshire and North Carolina, had conformed their acts to the said resolution, agreeable to the urgent recommendation of Congress of the 3d March last, the powers therein requested might immediately begin to operate. The committee however are of opinion, that the acts of the states of New Hampshire and North Carolina, manifest so liberal a disposition to grant the necessary powers upon this subject, that their not having complied with the recomendation of March last must be attributed to other reasons than a disinclination in them to adopt measures similar to those of their sister states.—The committee therefore conceive it unnecessary to detail to them the situation of our commerce, languishing under the most ruinous restrictions in foreign ports, or the benefits which must arise from the due and equal use of powers competent to its protection and support, by that body which can alone beneficially, safely and effectually exercise the same;"—Whereupon,

Resolved, That it be again earnestly recommended to the legisla-

tures of the states of New Hampshire and North Carolina, at their next session, to reconsider their acts and pass them in such conformity with the resolutions of the 30th April, 1784, as to enable on their part, the United States in Congress assembled to exercise the powers thereby invested as soon as possible.

Resolved, That as the extent and duration of the powers to be exercised by the United States in Congress assembled under the recommendation above mentioned ought to be equal, it be recommended to the legislatures of Connecticut, Pennsylvania, Maryland and South Carolina so far to amend their acts, as to vest the power therein contained for the term of fifteen years from the day on which Congress shall begin to exercise the same.

CHAS. THOMSON, Secy.

Sec'y Armstrong to F. Hopkinson, 1786.

Secretary's Office, 24th Oct., 1786.

Sir,

I have the directions of Council to transmit to you a copy of a Resolution of the house of Delegates of Maryland, dated the 21st of February, 1786, & a copy of a Resolution of the General Assembly of this State, dated the 23d of March, 1786, with an Act of Council thereupon. It is the wish of the Board that you and the Gentlemen associated with you will, from time to time communicate to them the progress made in the business which is the subject of these several resolutions.

I am, Sir,
with the greatest respect,
Your most obedient Serv't.
JNO. ARMSTRONG, Jr.

Directed,
The Hon. Francis Hopkinson.

Pres. Franklin to Commissioners for improving inland Navigation, 1785.

In Council, Philadelphia, October 26th, 1786.

Gentlemen:

To your own sense of the importance of the Negotiation with the States of Delaware and Maryland which you are now about to enter upon, Council might have very safely trusted, as well for your abilities in conducting, as for your zeal in bringing it to a favorable

conclusion. They however esteem it a duty to impress you with some Ideas, which, in certain Conjunctures, may serve you as leading principles and be pleaded as motives.

You will remember how much the welfare of Pennsylvania depends on her export trade and as a navigable communication between the two Bays of Chesapeake and Delaware will aid our Exports more or less according to the Extent to which the work may be prosecuted, You will herein have a sufficient motive to contend for the Communication upon the largest practicable scale. A like consideration may induce Maryland to press more particularly on the subject of the Susquehanna navigation. In this case that State should know that the Improvements there should correspond in extent with the views entertained with regard to the former navigation.

The States, parties to the negociation have the same general objects, but as each may be attached to ways of accomplishing them particularly favorable to itself, unless a spirit of mutual concession take place among the Negociators, a partial biass may tend to disappoint the main purpose. You will not therefore risque too much on that head, but sometimes yield in points not materially disadvantageous to the State when it may be necessary to procure a general concurrence.

If principles could be established to determine the Comparative benefits to each State from the new Navigation, then the burthen of Expence to be borne by each might be precisely adjusted, but as such accuracy is not attainable Council in this article are not averse to your application of the rule just laid down.

These are the sentiments of Council upon the principal points which you will have to consider ; it is nevertheless their desire that you make them frequent communications of the progress of the Negociation in order that you may have the benefit of such advice and direction as circumstances, in their opinion may make necessary.

I am, Gentlemen,
with great regard,
Your obedient humble servant,
BENJ. FRANKLIN.

Directed,
To the Commissioners for improving the inland navigation.

Col. Francis Mentges to Pres. Biddle, 1786.

Philadelphia, the 26th 8 bre, 1786.

Sir,

The Battallion of Artillery was, at their last Muster Day, prevented of parading on account of the weather, they therefore concluded a a very numerous meeting to parade on Monday next, with two

pieces of ordnance, provided with 60 pounds of Catridges *at their own expence*, and to take up a Line of March, in conjunction with the Troops of Light Dragoons and the Companies of Light Infantry, to perform the different evolutions and firings to close the season; of which corps they have honored me with the command. I thought proper to inform you and the Hon'ble the Council of this manœuvre, and hope it will meet with your approbations, which will afford the greatest satisfaction to those Citizens who are wishing to be perfect in the military art, to act as soldiers in case of necessity.

I have the honor to be,
with the highest esteem,
Your Ob. H. Servt.,
F. MENTGES.

N. B. You will pleas to favor me with an answer to day.

The Honb. Charles Biddle, Vice President.

Secretary of Congress to Pres. Franklin, 1786.

Office of Secretary of Congress,
Octr. 27th, 1786.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed an act of the United States in Congress assembled, bringing again to your view the enclosed resolutions of 30th April 1784, and recommending to the Legislature of your State so far to amend their act as to vest the powers therein contained for the term of 15 years from the day on which Congress shall begin to exercise the same,

with the greatest Respect,
I have the honor to be,
your Excellency's most obedient,
& most humble Servant,
CHA. THOMSON,*

Indorsed,

From Charles Thomson, Esq., enclosing an act of Congress of the 23d of October, 1786, &c. Nov. 18, refd. to Mr. Morris, Mr. Robinson, Mr. Willing, Mr. Whitehill, & Mr. Clark.

Directed,

His Excellency The President of Pennsylvania.

Report of Board of Treasury, 1786.

Copy.

The Board of Treasury, to whom was referred a Motion of the hon^ble^ the Delegates of the State of Pennsylvania, praying that the Sum of Seventy eight thousand six hundred and forty-two Dollars, which had been lately delivered to the Comptroller of the State of

* See Col. Rec., Vol. XV., p. 106.

Penn^{a} in Bills of Credit of that State, bearing Date in the year 1781, might be placed to the Debit of the general Account of said State with the United States,

Beg Leave to report to Congress,

That the above Sum of 78,642 Dollars, forms part of the Sum of 390,000 Dollars in Bills of Credit issued in the year 1781, in the State of Pennsylvania, & received by the Commissioner of the Loan Office in that State, in pursuance of an Agreement between the late Superintendant of Finance and the Government of the State of Pennsylvania, by which it was stipulated that the sum of 390,000 Dollars in the Bills above mentioned should be paid into the Continental Loan Office, to redeem the like Sum of the new Emission Money of the 18th of March, 1780, being a Balance due to the United States of the four Tenths of the said Money emitted on the Funds of the State of Pennsylvania.

That the above Sum of 390,000 Dollars appears accordingly to have been received by the Commissioner of the said Office; but that no Part of the New Emission Money of the 18th of March, 1780, was, in Exchange therefor, delivered over by the late Superintendant of Finance.

That in Consequence of an Application made to this Board by the Commissioner of the Loan Office of the State of Pennsylvania, stating the Circumstances of the Negociation above mentioned, and that he had applied to the Use of the United States, out of the Sum of 390,000 Dollars by him received of the Treasurer of the State of Pennsylvania, the Sum of 311,350 Dollars. The Board informed the said Officer, that tho' this transaction had not come under their Cognizance, they had no Objection to his delivering over to the Treasurer of the State of Pennsylvania the Sum of 311,358 Dollars in new emission Money of the 18th of March, 1780, in Lieu of the like Sum in Pennsylvania State Money said to have been appropriated to the Use of the United States; and the Balance, being 78,642 Dollars, in the same Money which he had received from the Treasurer of the State.

That it appears from a Letter to this Board of the 28th August last from the Commissioner of the Loan Office in the State of Pennsylv^{a}, that in pursuance of our Directions & by Agreement with the Comptroller of the St. of Pennsylvania, he had paid into the Treasury of the said State in New Emission Money of the 18th of March, 1780, 311,358

in Penns^{a} State Money of the year 1781, 78,642

390,000

Taking temporary Receipts for the said Payments, which were made at different Times; but that, on his application for a formal Receipt, acknowledging that the above Payments were in complete Discharge of the Sum of 390,000 Dollars received of the State of Pennsylvania, in State Money of the year 1781, the Comptroller of

the State would not permit such a Receipt to be given, and peremptorily demanded the Sum of 78,642 Dollars in new Emission of the 18th of March, 1780, alledging that the State would give Credit for the Sum which had been received in the State Money aforesaid.

That on a Refusal on the Part of the Commissioner of the Loan Office of the State of Pennsylvania to pay the Sum required of him in the new Emission of the 18th of March, 1780, an Attachment has been laid on his Goods and Effects to the Amount of the Sum above mentioned; and to suspend the Execution of the same, a Certiorari has been granted, the Merits of which are still depending.

In Justice, however, to the State of Pennsylvania, it is incumbent on us to observe, that this Process of the Comptroller is in this Instance altogether repugnant to the Laws of the State, so far as they relate to Matters of Account betwixt that State and the Union, since by an Act of that State it is made the Duty of the Comptroller to distinguish such Accounts as are of a federal nature, in order that they may be adjusted on such Principles as shall be proposed by the United States in Congress and agreed to on the part of the State. That the Account for which the Property of Mr Smith is attached, was, in the Opinion of the Comptroller of the State, of that Nature, appears clearly from his application by Letter to this Board to direct the Loan Officer to give up to the State the full Sum of 390,000 Dollars in the new emissions of the 18th of March, 1780.

From the above Statement, which it becomes the duty of the Board to lay before Congress, in order to enable that hon^ble^ Body to judge of the Propriety of the present Application, the Board beg leave to observe,

That the Sum of 78,642 Dollars in Penna State Money, which was paid into the Treasury of that State in pursuance of the negociation above mentioned, must either be considered in full Discharge of the Balance due to the State on the Monies by them paid to the Commissioner of the Loan Office of the State of Pennsylvania, or it must not.

If it is to be so considered, then there is no necessity of giving the State of Pennsylvania Credit for the monies above mentioned, because this negociation betwixt the late Superintendant of Finance and the Governmt of Pennsylvania, is by such arrangement, completely settled.

If it is not to be so considered, then the State of Pennsylvania will have a Right to the Sum of 78,642 Dollars in the new Emission Money of the 18th of March, 1780, (provided a sufficient Sum in the old Continental Emissions be paid in by the said State to admit the Right of issuing such an Amount of the Emission last mentioned,) and the United States will have a Right to reclaim of the Treasurer of the State of Pennsylvania the Sum of 78,642 Dollars in State Money of the year 1781, which the Comptroller obtained Possession of in the manner stated in this Report.

From the Process issued on the Part of the State of Pennsylvania,

it appears that the State view their Claim in the light last mentioned. Considering it, therefore, in the same Point of View, we beg leave to observe,

That an application for the above Sum of 78,642 Dollars in the Penns[a] State Money, to be passed to the Debit of that State as so much Specie, must be considered on similar Principles as if an application had been made for giving up and paying to the Debit of a State, a like Sum in the new Emission Money of the 18[th] of March, 1780, of the Proportion which was subject to the Orders of the United States; and that the Reasons therefore, which has governed this Board on an Application from the State of New York relative to a Sum of new Emission Money issued on the Funds of that State, will, in their Opinion, apply in the present Instance.

On the Reference last mentioned, it was observed by the Board, "That a change of the Credit of Monies paid into the general Trea- "sury in pursuance of the Resolves of the 18[th] of March, 1780, in "any one Instance, would operate as a Relinquishment of the Balances "due from the several States on that Head; and that such Relin- "quishment was not compatible with the exhausted State of the "Finances, or with that steady adherence to the Execution of the "Resolves of Congress which ought to govern in the Collection of "the general Revenue."

To this general Observation the Board beg Leave to add—That the Funds established in several States for the Redemption of the New Emission Money, are now operating so as to render the said Money daily more valuable;—that in Consequence they have already appropriated part of those Monies in the States of New York, Maryland and Virginia; that it would be Injustice to these States to make a Distinction with Respect to Pennsylvania; and that whilst the Preservation of the western Territory obliges the United States in Congress to introduce a more extensive military Establishment than was provided for in the Estimates of the last and present year, every Resource ought, in their Opinion, to be carefully cherished, which has a Prospect of contributing to the Discharge of the Expences of the general Government.

From the Circumstances above stated, the Board submit to the Consideration of Congress the following Resolve:

That it would be improper for the United States in Congress to pass to the Debit of the State of Pennsylvania in their general Account with the United States, the Sum of Seventy eight thousand six hundred and forty two Dollars of Bills of Credit issued by that State in the year 1781, and received by the Commissioner of the Loan Office in the said State, by Virtue of a Warrant of the late Superintendant of Finance of the 16[th] of July, 1781.

All of which is humbly submitted.

Signed, SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

October 31, 1786.

Election of Delegates to Congress, 1786.

State of Pennsylvania.
In General Assembly,
Tuesday, October 31, 1786, A. M.

Agreeably to the order of the day, the House proceeded to the election of Delegates to represent this State in the Congress of the United States, and the ballots being taken, it appeared that the Honorable Arthur St. Clair, Charles Pettit, William Irvine, Samuel Meredith and William Bingham, Esquires, were duly elected.

Extract from the Minutes,

PETER Z. LLOYD,
Clerk of the General Assembly.

The Honorable The Supreme Executive Council.

Resolves of Settlers of Wyoming, 1786.

At a Meeting of the Setlers inhabitants of Wyoming legally warned and held at Kingston, Nov'r 6th, 1786, Col. Zebulon Butler, Chairman. Whereas the Agents from Philadelphia Report that the Legislature of this State by a law Enacted the 23d of Oct'r last, have erected a new County at Wyoming and parts adjacent from the Nescopeck Creek, on the South to the North line of y^e^ State on the North, extending East to the Lehi, and West to the Ridge of Land dividing the waters of the West branch from the waters of the East branch of the Susq'h River by the name of the County of Luzerne. And whereas by the s'd Recited law it is enacted that the Inhabitants of s'd County of Luzerne are entitled to all, and singular jurisdictions, Powers, Rights, Liberties and priviledges whatsoever which the Inhabitants of other Counties of the State do, may or ought to Enjoy by the Constitution and laws of said State, yet there is no Provision made in s'd act whereby the s'd Inhabitants can consistent with the Constitution Enjoy any of s'd Rights, or Liberties whatsoever, that the second Tuesday in October, annually is the time appointed by the Constitution for holding Elections, to Elect Representatives, Councilors, Sheriffs, Coroners, Commissioners, &c. This Meeting therefore taking into consideration the said Recited Law, the Singular and Extraordinary Circumstances of the inhabitants of the County of Luzerne, that there is neither Courts, Justices, Sheriff, Coroner, Constable or any Civil officer whatsoever within the limits of the County, regreting the Deficiency in s'd Recited Law—came to the following resolution :

Resolved, Unanimously, That it is the opinion of this Meeting that the law of this State Erecting the Nothern parts of the county of Northumberland into a New County, makes no Provision

whereby the Inhabitants thereof, may or can enjoy the Rights, Liberties and Priviledges, that Citizens of the State are entitled to, that they are not authorized or Impowered to hold any Election, or to Elect any officer of Government or Civil Officer, whatsoever for the following Reason.—That the law for Erecting the County has not came to hand, except a bill published for Consideration and said to be Enacted into a Law, that the time for holding the annual Election in Oc't last, was expired so soon after the law was Enacted, that an Election Could not have been held agreeable to the Constitution, after the Return of the Agents from Assembly.

That there is no Person or Persons whatsoever, Authorised or qualified to call the Freemen or Freeholders for the Purpose of holding an Election, to hold an election or Elect any Civil officer or officers of Government whatsoever—that there is no Person authorised to qualify Judges and Inspectors of Elections, or to make Return.

That an Election held where a legal Warning is not or cannot be given, and where no Person is Authorised or qualified, as aforesaid, either as Justices, Sheriff, Constable or Judges and Inspectors of Election, to warn or hold such Election, or to make Return is in Violation of the Constitution and Laws of this State.

A True Copy, J. FRANKLIN.

Indorsed,—Resolves of settlers of Wyoming att'd by John Franklin.

State of Pennsylvania in General Assembly, 1786.

State of Pennsylvania in General Assembly.

Tuesday, November 7, 1786, A. M.

Agreeably to the order of the day the House proceeded to the election of a Register for the probate of Wills and granting Letters of Administration and Recorder of Deeds, in and for the county of Luzerne, when the ballots being taken it appeared that Timothy Pickering, Esquire, was duly elected.

Extract from the Minutes,

J. SHALLUS, As't Clerk.

John Franklin to Dr. Joseph Hamilton, 1786.

Wilksbarre, Nov'r 7, 1786.

Dear Doctor,

I Received your Packet by Mr. Bateman in its time, also that sent by Doct'r Benton, I have not seen the one you mentioned by Mr. Bates, I have not time to give you an Answer, as the bearer Mr. Brown, is waiting. I expect you have heard from here by Esq. Beach.

A Meeting of the Inhabitants was held yesterday to hear the report of the Agents from Philadelphia, and for other purposes, as there has been no Meeting before, since our return, I send enclosed a Resolve Respecting the Law for Erecting a New County. We have passed a Resolve appointing a Committee to Act in Conjunction with Major Jenkins and myself to Enquire into the Claims of the Settlers, as we had not a quorum of those appointed by the Company it is a matter that Concerns the Setlers more immediately. We have also Past a Resolve Prohibiting the Exportation of grain from this settlement. I have not time to copy them, but will send them the first opportunity.

That old Traitor Smith, made his appearance at the meeting, I have not seen him these 4 months before—he urged a Petition to the Assembly of Pennsylvania, and would give up our Connecticut title throw ourselves on the Mercy of Pennsylvania, and pray for our improvements—however he had no influence on any of the Meeting, a Number urged a Petition for five miles each side of the River, but nothing done on that head—we expect another meeting next Tuesday, I am not sure whether the Inhabitants will Petition or not—I don't know why we need Petition unless we withdraw our last, as nothing is Determined on that—but should we Petition it will be for a Certain Territory, 5 miles Each side of the River, it is most likely I shall Draught the Petition (if any is sent,) you may depend the foundation shall be laid in such way as it will do no injury to the Company—I am sure the State Cannot, nor will not grant us one foot.

I expect you have heard of the late Deluge, the rain on the 5th Oct'r, which fell in about 24 hours, Raised the River about 6 feet, and in the narrow 10 feet, Deeper than ever known, the small streams became mighty Rivers, the Mills are mostly swept off, and one half of all kind of food for man and Beast is forever lost—even the Roots in the Earth such as Potatoes, turnips, Parsnips, &c., are mostly Rotten in the Earth. The greatest part of the Rain fell in the afternoon and evening of the fifth, the Susq'h River that was fordable at 4 of the Clock after noon was over the face of the Earth from Mountain to Mountain, at 6 o'clock the morning of 6th—it is surprising to see the Mountains in smallest Runs of Water, you may see Stones from three Pounds to three Tuns Weight Drove to a great Distance and hove up in heaps, a stone judged to weigh two tons Lies mounted on two stumps near Tobies Creek, that was drove from a considerable distance, a number of Cattle were drowned, our fences all gone, one man was Drownd attempting to save some effects, but as I am in haste shall say no more.

I am your humble Serv't,

JOHN FRANKLIN.

N. B. Mr. Brown has been here to do Duty for Col. Wall, but is disappointed about his land being laid as was promised, has been here since the 20th of June.

Directed,—To Doc'r Joseph Hamilton, City of Hudson.

Board of Treasury to Pres. Franklin, 1786.

(Circular,)
Board of Treasury, November 7th, 1786.

Sir,

We have the honor of transmitting to your Excellency copies of two Acts of the United States in Congress Assembled of the 20th and 21st of October last. The first act (which has been officially transmitted by the Secretary at War to the States it more immediately relates to) so fully explains the object for which the enclosed Requisition is made that it becomes unnecessary for this Board to enter into any detail on this subject.

It will be observed by the Legislature of the State in which you have the honor to preside, that the Commissioners of the Treasury are directed to open a loan to the amount of Five hundred thousand Dollars, at the Rate of Six per Cent per annum, for the purpose of carrying into execution the act of the 20th ultimo, on the Credit of the within Requisition.

Such is the state of Public Credit at present that unless the funds appropriated by the Several States for raising their respective Quotas of this special Requisition are more productive than the Taxes which are too much depended on for satisfying their annual Quotas, there is little prospect of our being able to induce Individuals to embark in the proposed Loan. The Consequence of which would inevitably be that the troops proposed to be raised could not be provided for in the essential articles of Provison Clothing and Pay. In which case they might prove as great an evil as other wise they would be a benefit to the Union.

It therefore becomes our Duty to request the favor of your Excellency to lay before the Legislature the enclosed communications with as little delay as possible that such measures for carrying the same into effectual execution may be adopted as the present exigencies of the Union render indispensibly necessary.

We have the honor to be,
with the greatest respect,
your Excellency's most obedient,
and Humble Servants,
SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE,*

Indorsed,

From the Board of Treasury enclosing Two acts of Congress of the 20th & 21st, of Oct. last. Nov. 17 1786, refd. to the commee. on Ways & means,

Directed,

His Excellency, The President of the State of Pennsylvania.

* See Col. Rec., XV. p. 107.

Cha. Pettit to Speaker of Assembly, 1786.

New York, 8th November, 1786.

Sir,

When the Delegates of Pennsylvania were honoured with the Instructions of the late House of Assembly to obtain from Congress an order that the sum of £32,429,15,7 of the Bills of Credit emitted by the State in the year 1781, then lying in the Continental Loan Office should be paid into the State Treasury and passed to the Debit of the State in the General account, there were not a sufficient number of States present to pass such an order if they had been so disposed. The Instructions however being public, became a subject of Conversation, and your Delegates had no difficulty in discerning that to make the application in Form, even when Congress was more full would not be attended with success; it was therefore delayed, or rather withdrawn, for the motion was made & some Debate had upon it. A negotiation was set on Foot with the Board of Treasury on the Subject, but the sum stated not agreeing with the amount reported by the Loan Officer of that kind of Money in his Hands and the Board not having clear conceptions of the circumstances under which that money rested in the Loan Office, they did not choose to give any opinion on the matter 'till they should receive farther Information.

Mean while the Comptroller General of the State demanded from the Loan Officer, 390,000 Dollars of the new Emission Money of March 9, 1780, and pursued the Demand in a manner that occasioned minute Enquiry and Investigation.

Perceiving however, that Matters were tending towards a Contest between the two Officers, rather than toward accommodation, and that it might lead to a Discussion which it might be more prudent to avoid, I thought it best, before an appeal should be made to the Principals on either side of the Question, to propose a conciliatory Plan to the Board of Treasury, especially as I had reason to believe they were taking Measures to turn into circulation upwards of 50,000 Dollars of the new Emission money of 1780, which is that Part of the Money in dispute which, according to their View of the Matter they had a Right to appropriate & which I supposed would in some Measure derange the Plan formed for the Redemption of that Species of Money. The Measures taken by the Comptroller seemed to have created some Degree of Resentment. I told them that I understood those Measures to be entirely his own without any Directions from superior authority, that without enquiring into the Propriety of them, I wished on the present occasion to wave them altogether, as I conceived that the Proposals I should make if acceded, would supercede and bury them in oblivion. I drew up a Memorandum of which the inclosed Paper No 1 is a Copy. At the same Time I told them I was not authorized on the Part of the

State to make the Proposition, it was therefore not to be considered as binding on them, even if they should signify their willingness to agree to it, 'till the State should cloathe it with Authority on their Part. After some conversation on the Expendiency of avoiding a Dispute which might & probably would occasion the with holding from the federal Treasury Payments to a much greater amount than the Sum they were aiming to avail themselves of, they seemed to acquiesce in my Opinion, and gave me reason to suppose they would report in favour of transferring the 78,642 Dol's, of the State Money to the Debit of the State in the general Account, tho' they would not do it without an order from Congress. We therefore moved a Resolution to that Effect which was referred to the Board for Report. They kept it under Reference for several Weeks. The Paper No. 2, contains a Copy of the Report which was made some Days ago; since which we have not had a Congress.

You will observe that the Board seem to consider the 78,642 Dol's, State Money as a good payment towards the 390,000 Dollars; but that, supposing it to be otherwise, they do not mean to comply with the Desire of the State in passing it to the general Account. Whether their present difficulties in Money Matters will induce them to issue it or not, is uncertain; but they seem to conceive they have a Right to do it at its depreciated value and to pass it to the Credit of the State at such value only.

The Schedule (No. 3.) affords much matter for melancholly Reflection. That Pennsylvania stands foremost in her exertions to support the federal Credit, may afford some consolation to her Citizens. But the aggregate of the Delinquincies is too great to be safely submitted to; and the lethargy which generally prevails in the States seems to threaten a ruinous Increase of them.

We have as yet but six States represented in the new Congress. This week will close the attendance of Col. Bayard. I wish much to be relieved even if it be but for a short Time, I therefore hope that at least two of my hon'ble Colleagues will shortly appear.

I have the Honour to be,
with great Respect, Sir,
Your most obedient
& most humble Servant,

CHA. PETTIT.

Indorsed,

Letter from Honble. Charles Pettit Esqr., Nov. 8, 1786. Read 1 time Nov. 13 1786, Read 2 time Nov. 14 & refd. to the comee. on Ways & means.

Directed,

The Honble. The Speaker of the Genl. Assembly of Pennsylvania.

Managers of State Lottery to Council, 1786.

State Lottery Office, Nov. 10th, 1786.

May it please the Council,

About sixteen hundred Tickets of the *third* Class of the Lottery are disposed of; near twelve hundred of which are absolutely sold and the remainder are in the hands of persons to sell; very few of which, we suppose will be returned.

We have assurances, which we think may be depended upon that above five hundred Tickets more, will be purchased, *as soon* as a day shall be fixed for drawing this Class.

From the advantages which the Scheme presents to adventurers, in the third Clsss of a right of preemption in the *fourth*, and from what we have experienced in the sale of Tickets, while the *second* was drawing, it seems that a much smaller number will remain upon hand at the risque of the State than in the preceeding Class.

We therefore beg leave to offer it as our opinion that if your Honorable Board should be pleased to fix a day for the drawing to commence sometime in the first week of January next, that a considerable number of Tickets will be disposed of by that time, and sufficient notice afforded to those who may incline to become Adventurers.

We have the honor to be,
with the greatest respect,
May it please the Council,
Their most obedient
Humble Servants,
B. FULLER,
MATTH. CLARKSON.

Sam'l Caldwell and John Barclay to Charles Biddle, Esq.,—Hog Island—1786.

Philad^{a}, 14th Novr., 1786.

Sir,

Since we had the honor of waiting on you yesterday, we have conversed with the Att'y Genaral on the subject of Hog Island, one hundred & five Acres whereof, under Bank, Mr. Thomas Barclay Claims, under a Public Sale made by the Agents for forfeited Estates on the 20th day of June, 1780, having been sold in fee simple, as the Estate of Joseph Galloway, forfeited by his Attainder, & for which a Deed of Conveyance was granted to Sam'l Caldwell by the late President Moore, in the year 1782, the whole Purchase money having been paid & secured agreeably to the Terms of Sale proposed at the Public Vendue.

The possession of the Premises hath been with-held from Mr. Barclay, (who purchased from Sam'l Caldwell) by Reason of Col. Proctor & others, whotook forcible Possession & lays Claim to the whole Island, under some old Rights supposed to be derived from the Natives or the Duke of York, and Contending that this Island was no part of Pennsylvania, &c.

The Attorney General expects to be powerfully Opposed on the Tryal, which he has been order'd to Institute, as a Number of Gentlemen of the first Abilitys in the Law are engaged on the other side; He says that the trial will necessarily lead into questions of great intricacy & importance, and a deep historical research into the Original Settlement of the Province, & the Extant of the two Charters; and as the property of the whole Island is involved in the question, he doubts not but the Supreme Executive Council will see the propriety of allowing him such assistance as they may think the magnitude & difficulty of the Case may require. He says it has been customary on those Occasions, to employ the Att'y General & one Counsel at least, & sometimes two assistants.

We beg leave, Sir, to request that you will lay this Matter before Council as soon as may be Convenient, that measures may be taken early to secure success in a Cause of so much Consequence, as well to the Public as to the Purchaser, who has already suffered great Injury in his property by Delay.

We are, with great Respect & Esteem,
Y^r^ very Hble. Serv^ts^,
SAM'L CALDWELL,*
JOHN BARCLAY.

Directed,
The Honorable Charles Biddle, Esqr.

JOHN NICHOLSON TO COUNCIL, 1786.

Compt. General's office, Nov. 15, 1786.

Sir,

I beg leave to represent that the papers of this office have so increased that in addition to the two rooms I now possess more room hath become necessary, the room over the Rolls office is occupied by the Trustees of the Loan Office, who attend I believe now twice a week. There was a communication formerly between this room and the office up-stairs, and this door could readily be opened again; this would enlarge my office and be very convenient; if the Trustees could be equally well accommodated elsewhere in the State House.

I have the honor to be,
with high respect, Sir,
your most obdt. Servt.,
JOHN NICHOLSON.

Directed,
The Honble the Vice Presid., in Council.

* See Vol. IX, pp. 252. 520,—& Vol. X., p. 185—also see Col. Rec., Vol. XV., p. 116.

Edward Shippen to Council, 1786.

May it please his Excellency the President, and the Honorable the Supreme Executive Council.

Having the Honor of an appointment and Commission from this Honourable Council as President of the Court of Common Pleas for the County of Philadelphia, and being since elected and commissioned as a justice of the peace for the same County, I find by above a years Experience in the latter office, that if executed with the proper Care and Activity, it would greatly interfere with and entrench upon the time necessary for the due Execution of the former more important office; I therefore request this Honorable Council will accept my resignation of the said office of Justice of the Peace, as well as of my Commissions as President of the Courts of Quarter Sessions of the peace for the said City and County.

I have the honor to be,
with the greatest respect,
Your Excellency's and
your Honors most
obedient hble. Serv't,
EDW'D SHIPPEN.*

Philadelphia, 20th Nov., 1786.

Directed,

To His Excellency, the President and the Honorable the Supreme Executive Council.

Proposals of John Skinner for a Road, 1786.

The proposals of John Skinner to His Excellency the Governor & Executive Council of the Commonwealth of Pennsylvania for making a part of the Commonwealth's Road.

If it please your Honors to confirm the Commonwealth's Road as laid out from Shippensburg thro' Clark's Gap, or otherwise, through the said Gap to the burned Cabins, the abovesaid Skinner will undertake to make the said Road good and sufficient for a Waggon and four good Horses to draw twenty hundred weight across the mountains either ways, that is from the East side of Clark's Gap to the said Cabins, for six hundred pounds in Gold or Silver or Current Money with the Merchants of the said Commonwealth on the following Terms, that is to say, that the Road shall be twelve feet wide on the sides of the Hills or among the Rocks, and not less than twenty feet wide on the other ground, and room shall be made

* See Col. Rec., Vol. XV., pp. 120, 128.

for not less than three waggons to draw off to the one side in the narrow places, at a convenient distance for others to pass by and the waters to run next to the Hill side of the Road, the whole to be done by the 25th day of November, in the year one thousand seven hundred and eighty-seven or sooner if the weather permit to Work; provided that the said Skinner be allowed a discretionary power to vary on either side of the Road, so as to get a Convenient ground for a good Road, saving the distance as nearly as possible, and he be supplied with one-third or more of the Money this fall, so as to be able to get in beef and Pork this Season, and another third when the work is half done, and the remaining third when the Road is done and finished as above

Philadelphia, November 21st, 1786.

Signed. JOHN SKINNER.*

A Copy.

Directed,
J. Armstrong, jr.

Cumberland County, Nov. 16, 1786.

To His Excellency, Benjamin Franklin, Esq'r, President of the Supreme Executive Council of the Commonwealth of Pennsylvania.

Sir,

We being informed by John Skinner that he intends laying in before the Honorable Executive Council, proposals for opening and making a part of the new Public Road laid out from Millers Spring to Fort Pitt by way of Clark's Gap. From our acquaintance with the said Skinner we believe him to be a person well qualified for the said undertaking; and should your Honors think it proper to appoint and agree with the said John Skinner to clear, make and open any part of the said Road—We will bind ourselves as His security for his fulfilling any Contract that he may enter into respecting the same.

with all due respect,
we are your Excellencies
obed't Humble Servants,
signed, ROBERT PEEBLES.
FRANCIS CAMPBELL.
DANIEL DUNCAN.
WILLIAM BARR.
WILLIAM RIPPEY.

A Copy.
Directed,
J. Armstrong, Jr.

* See Col. Rec., Vol. XV., p. 121, 322.

Pres. Franklin to Gov. Livingston of N. J., 1786.

Sir,

The Wardens of this port having purchased a small lott of ground on Cape May, have it in intention to erect an additional Beacon there. As this measure promises to contribute to the greater security of all vessels falling within the channel of the Delaware, I would beg leave to request, that some act would pass your Legislature as early as possible for securing this & the buoys & Beacons in the Bay of Delaware from all such injury as they may be liable to from mischeivous or ill disposed persons.

I am, Sir, your Excellency's
most obedient humble servant,
BENJ. FRANKLIN.

Indorsed,
November 25, 1786.
Directed,
His Excellency, Governor Livingstone.

Surveyor General to Pres. Franklin, 1786.

To His Excellency, the Presid't & Council.

I Beg leave to Inform your Hon'ble Board that I have received upwards of Two hundred additional Returns of the lands in the District of Daniel Leet—viz., No. 2, in the Depreciation Lands—A Plan of which I herewith send you, and am

Gentn. your most obed't
& very H'ble Serv't,
JNO. LUKENS, S. G.

Sur. Genl. Office, 25th Nov., 1786.
Directed,
His Excellency, Benj. Franklin, Esq'r, Presid't. Present.

Joseph Sprague to Council, 1786.

To the Honurebel Exitive Consill of the Comon Walth of Penelvenia—Gentlemen:—The present Surcomstances of this Place Stops the muth of Every one that is a friend to goverment; know one Dare to Say one word in behalf of goverment, or mutch more to Inform goverment, as he would amedely fail a Sacarifice to Lawes and arbartary Power; for this Reseon thar is many good Sitezen in this place that Dare not apeare in the behealf of goverment, but are

obliged to be Silent and mute. The Neaturel Oblation that Every Good Sitezen is under by his Oath of alegen. to this Commonwalth, must, or ortgh, to oblige him to Inform Goverment of all and Every aperent Danger. The True State of afares here at Wyoming, is in fact a total Rejection of goverment, and are at this time forming and modeling a new form of goverment amoung them Selves, and do act and in Every Respect Independent of this or any other State; formed Corts for the Administration of Sivel Cases and Detarming of Disputes in all Land Cases, Confistication of Land and Tenement to thar own youce. Last mundy fornat ago, the Inhabatanc were Called to gather, and at that meting as a body Voted, and Ingaged to throw of all alience on this State, and to make a form of goverment for them Selves. This meeting has been hild 3 times since by agreement; thar is A Considerbal Number of our Inhabatance that have Not Socheated with them at this meting, but thay Dare not opose them, and I believe Dare not inform goverment; thay are very Bisse in Deviding the Country to thare New Levey, or half Shear men, as they clall them, how are to hold arms 3 year aganst Pencelvenea, for witch Reson they be Com Intiteled to the Devedent Part of the Country.

Gentlemen, I have Put my Life in my hand, and Venter the Concequenc that I am Exposed to be informing goverment; if goverment will Inquire of thos Pasons that are unprejudiced it will be enformed of the Truth of wot I have wrote.

Gentlemen, I am your most obedent and humble Sarvent,

JOSEPH SPRAGUE.

Wioming, Novbm'r, 25 day, 1786.

Directed,

To the Honnerbol Exetive Counsel of the Commou Walth of Pensalvenia at Philadalphia.

John Franklin to Dr. Joseph Hamilton, 1786.

Wyoming, Novbr. 25, 1786.

Dr Doctor,

I have not much News to write—We have not heard from Philadelphia. Since their last sitting we have sent nothing to them, Conclude to have them work over the old Petitions, as I Informed you before, we appointed a Committee to enquire into the claims of the settlers; that is to act in conjunction with Major Jenkins and myself—We have last Wednesday Determined a Dispute between Claimers to the Town of Putnam on Tankhannack—I believe gave satisfaction to almost every one, we found land enough in the town for every one that could prove himself a Proprietor.

I have spent part of two Days with Doct. Benton and the Gentlemen with him, have made out grants for 4 towns also six Pitches to the Doctor and five to Capt. Bortle, also sold a whole share to Mr.

Loop, he is to send some money by you to me at the Susqh. meeting —I have gave Mr. Loop a Right in a Town at Standing stone.

Doct. Benton was deficient in not having, his certificates he could not tell who the Proprietors were, the grants are made on Conditions of Producing Certificates, &c., in Every Grant it is necessary to have a Complete List of the Proprietors a Certificate under the hand of the Clerk or one of the Com., that such are Proprietors, and Taxes Paid is sufficient but it is best that Every Certificate be endorsed with the entry on the back—the Doct. can inform you.

I have made Enquiry Respecting Capt. Strong and the Hagaboom settlers, Esqr. Gore Informs me that the only settlers they have are one Newel and son that live in the town but are soon to Remove to Choconote, one Ackely lives on Wasox Creek, but says he is not a settler for them—there is one Vaughn in Kingston holds himself a settler for Strong—Jonathn. Davis living at Lackawana has talked of being a setler but is uncertain—the fact is this the Hogabooms have not a setler and it can hardly be said that Strong has any, the Town of Wasox will be taken up soon by other Proprietors. I would send some of our Resolve of our meeting, but have not time, we have a meeting this Day Respecting adopting a mode for the Recovery of Debts.

I am your humble serv't,

JOHN FRANKLIN.

Directed,

Doct. Joseph Hamilton, Hudson.

Hon'd by Doct. Benton.

R. E. Pine to Council, 1786.

28th Novem'r, 1786.

Eighth Street near Market Street.

Gentlemen,

The late honourable President was pleased to honour me, by obtaining permission from the honourable Council to make use of the unemploy'd assembly Room, since when the honourable assembly have concur'd in that indulgence.

I have now built an appartment sufficient for finishing the Pictures intended to represent the most Noble Scenes in the late Revolution, and allso, (as farr as in my power,) to transmit to Posterity a faithfull similitude of the distinguish'd Characters in those Heroic Transactions. I therefore, with a grateful sense of the honour and Patronage afforded me, must ever remain,

Gentlemen, your oblig'd

and obt. humble serv't,

R. E. PINE.

Governor of Georgia to V. P. Biddle, 1786.

Augusta, Georgia, 28 November, 1786.

Sir,

The despatches from your honor dated the 12 April last came to hand the 25 Sept'r by means of the great detention arising on it, as well as others of a similar nature, the Legislature had adjourned previous to the receipt thereof. Your Communication with its inclosures will be laid before the General Assembly at their next meeting.

I have the honor to be
your Excellency's
mo. Obt. H'ble Serv't,
EDW'D TELFAIR.

Directed,

The Hon'ble Charles Biddle, Esq'r, Vice President State Pensylvania.

Gov. Clinton of N. Y. to Pres. Franklin, 1786.

New York, 13th Dec'r, 1786.

Sir,

Your Excellency's letter of the 27th November was delivered to me by the bearer of it yesterday evening. The person mentioned in it as charged with having committed a Felony in your State was apprehended and Committed to the Gaol of this City, where he remained confined until the rising of our Court of Oyer and Terminer last Saturday night when he was discharged by Proclamation, no Bill having been exhibited or charge presented against him; I fear therefore that it will not be in my power to comply with your Request, as it is probable the offender may have e'er this left the State.

I take this opportunity to apologize for not having before this, acknowledged the Receipt of your Excellency's Letter of the 1st of June last; I was in the country when it was left at my house, & before I returned, I was informed that Ethan Allen had left the Susquehanna without being able to effect the object for which he went thither, and had passed through this State into Connecticut. Solomon Strong, the other person mentioned in your Excellency's letter, came before the Resolution from Connecticut & resided a short time at Claverack in this State, but having been charged with counterfeiting Dollars, fled from justice to Wyoming in your State, where I understand he has since statedly resided. These matters I mentioned to Col° Bayard, one of your Delegates which he promised to communicate to your Excellency.

I have only to add that should the above persons or any other be guilty of treasonable practices, or other offence against the peace of your Commonwealth; I shall most chearfully contribute every thing in my power to defeat their purposes and bring them to justice, being disposed to cultivate the most perfect good understanding between your State and that in which I have the Honor to preside.

I have the Honor to be,
with Sentiments of the
highest Respect and
Esteem, your Excellency's
most obedient and
very humble Servt.,
GEO. CLINTON.

Directed,
His Excellency, Gov'r Franklin.

Michael Hahn to John Nicholson, 1786.

York Town, Decem'r 15th, 1786.

Sir,

Yours of the 10th Instant, directed to the Com'rs of York County, was this day handed to me by Col. Johnston, and I am sorry that it falls to me alone—as the other Com'rs are out of Town to give you the desired information, concerning the disturbance that happened on the 29th day of Novem'r last at this place; the information you will here receive you will please to regard as from one Com'r only, I shall therefore confine myself merely to Facts as they seemed to occur to me at the time when they happened.

A Collector of a neighboring Township had seized some Property for Taxes due who had been often told that no Body would bid for any goods taken in that way—therefore thought it advisable to remove the said goods to this Town—on the day of sale, a number as I supposed of about 200 men inhabitants of the adjacent Townships, came into Town some armed with guns, others with Clubs, the appearance of which threatened something Hostile, they took Post before the House in which the goods seized were Lodged, they were waited on by the magistrates and other Cityzens of this place, to know the reason of their assembling in that manner, said that they were come to attend the sale of the Collectors, being told that, that was a very unusual way going as they said, to attend the Collectors sale, being armed in that manner, and advised them immediately to disperse, that the consequences (if that was their intention) to obstruct the execution of the Laws, might prove Fatal to some of them, which had no Effect and as this happened at a

time of an Orphan Court, when five or six Justices were in Town, who met on this Business, having taken to their assistence the state attorney of this plan, who were unanimous of opinion that some who they then thought were the Principals of the disturbance, should be taken into Custity, a Warr't was accordingly issued & Directed to the Sheriff, and all those that were then named taken, & Bound to the Peace, and to answer such other charges as may be aledged against them at our next sessions—when this was done the Collector was ordered to Proceed with his sale, thinking that all was over—but when the Cryer was Crying a Cow, he was interrupted, and the Cow was taken & led away by force, on which a number of Cityzens interfered to support the Sale, and to apprehend the ofenders, which has by a spiritted exertion been effected, and the ofenders also bound to the Peace, after which a fair and implicit submition by the Rioters was made, with assurance that the cow which had been rescued should be brought back and delivered to the Coll'r which was accordingly Performed, after which the sale went on undisturbed.

The greater 'part of the insurgents concerned appear to be very sorry, and in my opinion the Persons who were at the Bottom of the whole are yet undiscovered, a number of them are men who have bore good moral Carrectors, and of considerable Propperty, but very little informed, all has since remained Quied, but have been informed that at two other places goods were offered for sale by Col'rs but not a Bid was obtained from any that attended—this disorder I am nearly warranted to say is become epidemic, the infection of which has spread itself from the eastward & therefore ought to be causiously as well as spirittedly treated.—My next I shall write more fully & shall attempt to Point out some expedients by which this threathening evil might be removed—am mean wile

with due regard

your obedient & Humble ser't,

MICH. HAHN.

Note.—I read this letter to Mr. Hay which he says is all he could say on this subject.

Directed,

John Nicholson, Esq'r, Comptroller Genl., Philadelphia.

Wardens to Council, 1786.

Wardens' Office, Decem'r 15, 1786.

Gentlemen,

Having this Day, received the Information contained in the inclosed Letter, we think it our Duty to communicate it to you, without Delay, & are, with the greatest Respect,

your mo. obed Hum. serv'ts,

NATH. FALCONER,
JOHN HAZELWOOD,
JOS. BULLOCK.

Directed,

His Excellency the President & The Hon'ble Supreme Executive Council.

Thos. Moore to Council, 1786.

Philada., Dec. 15, 1786.

Gentlemen,

At the particular Request of Thomas Conarroe, who is now employed by the State of Pennsylvania in erecting Piers at Marcus Hook, I beg leave to inform you, that from the present position of a Spanish Frigate, he (Mr. Conarroe,) is greatly apprehensive much Injury may be done to the Piers unless speedy Instructions should compel the Commander to take a different station. The great Quantity of Ice in the Delaware forcing itself against the stern of the Frigate, which in her present situation is Ten or Fifteen Feet without the Pier & her moorings made fast to the Ties of the same (still in an unfinished state,) gives great Cause of uneasiness, lest the work may give way.

Mr. Conarroe has represented the dangerous Consequences to the Captain, without Effect, and he conceives it a Duty to afford the Wardens the earliest Information on the subject, that they may pursue such Measures, as they may judge proper and necessary.

I am Gent'n

your mo. ob. Serv't,

THOS. MOORE.

Directed,

The Wardens of the Port.

Pres. Franklin to Wardens, 1786.

(Copy.)

Philadelphia, Dec. 16, 1786.

Gentlemen,

When you arrive at Marcus Hook you will deliver the Letter to the Captain of the Spanish Man of War; and having viewed the Situation of the Ship and the Piers, you will respectfully offer him your Opinion and Advice, on the best means of securing her from Damage by the Driving Ice, in Writing if he desires it; and afford every Assistance you can procure, for the Expence of which, (if he does not pay it) you will be indemnifyed here.

If you find the Piers likely to be damaged in Case of his Refusal to follow your Counsel, you will likewise represent *that* to him in writing, to be made use of hereafter in support of a Complaint to his Court, and Demand of Satisfaction, if such a Step should be thought proper. And you will take such prudent Steps as shall occur to you for preventing, as far as possible, or lessening such Damages.

You will also enquire into the Truth of the Reports of Injuries done by his People to the Inhabitants; and if you find them true, acquaint him with them, expressing at the same time your Persuasion that he will take Measures to prevent such Injuries for the future.

With sincere Regard,

I am, Gentleman,

Your humble Servant,

(Signed,) B. FRANKLIN.

To N. Falconer, & —— Haselwood, } Esquires.

Pres. Franklin to Commander of Spanish Frigate, 1786.

Copy.

Philada., Dec. 16, 1786.

Honourable Sir,

The Council having received Information that the Ship under your Command lies in a dangerous Situation, exposed to be much injured if not destroy'd by the Violence of the driving Ice, have thought that not only the Duty of Hospitality towards Strangers in our Port, but the just Regard due from us to the excellent Prince, your Sovereign, and the good Friend of these States, required of us to afford every Assistance in our Power for her Preservation. And

apprehending that possibly your People, accustomed to warmer Climates, may not be so well acquainted with the Force & mischievous Effects of Ice, and the Methods of guarding against it. We send to you two of the Wardens of the Port, Men of Experience and Knowledge in such Matters, on whose Advice you may rely, and who have Authority to obtain such Aid from the Inhabitants, if any should be wanted, as may enable them to put her in a Position of the greatest possible Safety. Wishing you every kind of Prosperity, I have the honor to be,

Honorable Sir,

Your most obedient
& most humble Servant,

Signed, B. FRANKLIN, Pres't.

Wardens to Commander of Spanish Frigate, 1786.

Marcus Hook, Decem. 17th, 1786.

Honored Sir,

By the Request of the President & Council we have repaired to this Place to give you any Assistance & Advice in our Power for the Safety of your Ship, as the Winter setting in sooner than common, with a very severe Frost, which filled the River suddenly with Ice, and fearing as you are Strangers & unacquainted with the dangerous Situation that Ships are thrown into by the Violence of the Ice in this River. Therefore it is our Opinion & Necessary there should be an Anchor & Cable got out from the Bows of the Ship to the Shore, in Order to support the Post & Fasts that are now out to keep the Ship from going off the Bank, and that we also recommend some of the Guns may be run over, in Order to list the Ship in towards the Wharf, and that there be some Spars got ready pointed & drove down, on her Starboard Quarter, Then, we are of Opinion, the Ship will remain perfectly safe. We do find that every Precaution has been taken & done by the Commandant & Officers That possibly could have been done for the Safety of the Ship, and she is now in the safest Place she could be got into in this River. We wish to recommend to the Commandant to pay Respect to the Advice of his Pilot, as he is a Man well qualified & appointed by us, and we hope that the Commandant will keep his Men from doing any Injury to the Inhabitants of this Place.

We have the Honor to be,
Your most obedient
& very Humble Servants,

JOHN HAZELWOOD,
NATH. FALCONER.

(Copy.)
Commandant of His Most Catholic Majesty's Frigate Loretto.

Commander of Spanish Frigate to Pres. Franklin, 1786.

Translation of the Spanish Letter from the Captain of the Man of War to the President.

Excellent Sir,

I received the very polite Letter which your Excellency, in the Name of the Council, was pleased to write to me, on being informed that the Frigate I command lay in a dangerous Situation from the Violence of the Ice; and am extreamly thankful for the obliging Expressions of your Excellency's Desire to preserve her, in affording any necessary Assistance. I beg that your Excellency would have the Goodness to acquaint the Council with what grateful acknowledgments I receiv'd the kind Offer, of which the two Captains of the Port will inform you; and that I find myself under the pleasing Obligation of acquainting immediately the King, my Master, with so friendly an Act of these States.

God preserve your Excellency many Years. On board the Frigate N. S. De Loreto, at Anchor in the Delaware, now secured in one of the Moles at Marcus Hook, this 17th of December, 1786.

Exc't Sir, from your most obliged &c., &c.,

(Signed,) THOMAS DE UGARTE Y LIANES.

His Exc'y, B. Franklin, Pres't.

Wm. Hooker Smith, &c., to V. P. Biddle, 1786.

Hon. Sir;

We, The Under Signers, Distrest Inhabitants of Wioming, Hope That by our former Conduct we have Sh'wd To Goverment our Loyalty & attachment; we fear That Thare Is a Number of men In This Settlement who Designe opposition To Goverment; if This Should be The Case, & matters Should Come To an open Rupture, we beg That your Honor will be an advocate for Us To Goverment, That we may Not Suffer with The Disobediant & Rebellious—You may Rely on our atachment, & No one Thing will make Us more Happy Than To Imbrace your Laws & Glorious Constitution, which we will Do when Ever Thay Shall be offered To Us—we Look on our Selves bound by Every Sacred Tye To Goverment, & will Not

Recead from what we have, and Still Profes, Namely, atachment To Goverment.

Hon^e Sir, we are,
with The Gratest Esteme,
your most obd't, Humble Serv'ts,
WM. HOOKER SMITH,
SAMUEL HOUER,
ABRAHAM WESTBROEK.

Wioming, Decr. 18^th, 1786.

P. S.—A fue of The Honest meaning Inhabitants Have Sent To The assembly.

Directed,

Charles Biddle, Esqr., Vice President of The Supreme Executive Council of Pensylvania at Philadelp^a.

Pr. favor of Mr. Guitze.

Mercantile Society of Philadelphia to Council, 1786.

To His Excellency the President the Honorable the Vice President, and Supreme Executive Council of the Commonwealth of Pennsylvania.

The Mercantile Society of Philadelphia, impressed with a lively sense of the obligations, they are under to your Honorable Body, for the encouragement you have given them by granting the privilege of meeting in your Committee-Room, present you their most grateful acknowledgements for the same, and hope for a continuance of that patronage which you have so liberally bestowed on their juvenile undertaking. The Society will always be happy to give satisfaction to the Honorable Council, and study to merit their cont nuance and approbation.

By order of the Mercantile Society,
HU. COLHOUN,
Sec'y.

Philadelphia, December 21, 1786.

V. P. Biddle to Committee of Assembly, 1786.

In Council,
Philadelphia, December 28th, 1786.

Sir,

We have held the subject of our late conference under consideration, and are of opinion that the best directory for determining the immediate compensation to be made to Colonel Mentzges will be the

inclosed copy of our Instructions, and his own report of his proceedings under them.

I am, Sir,
your most obedient humble servant,
CHAS. BIDDLE, V. P.

Directed,
George Clymer, Esq'r, Chairman of Committee of Ass'y.

Estimate for 1787.

An Estimate for 1787 of the necessary stores, &c., for extendin, the Line of the Northern Boundary of the state of Pennsylvaniag viz.,

20 Horses & Pack saddles, 20 Bells.
10 Bbls. of Pork.
30 Bbls. of Flour.
200 of Loaf Sugar.
50 lb. of Coffee.
8 lb. of Tea.
15 lb. Chocolate.
60 lb. Cheese.
3 Doz'n neats Tongues.
3 lb. of Pepper & 6 Bottles Mustard.
3 Jars of Pickles.
1 Box of Prunes.
1 Hhd. Spirits.
20 Gall'ns Wine.
10 Gall'ns F. Brandy.
2 Gall'ns Lime Juce.
30 lb. Soap.
50 lb. Candles.
10 Gall'ns Vinegar.
28 lb. Scotch Barley.
14 lb. Rice.
4 Bushels Salt
Stationary.

ANDREW PORTER, Comm'r.

APPENDIX TO 1786.

[The following papers are copied from the letters recorded in Letter Book, Vol. 1, at Harrisburg from the originals at the time of their reception—but which are not now found on file.]

Papers transmitted by Wm. Montgomery, Esq.

Papers transmitted by Wm. Montgomery, Esq., relating to the Wyoming Business, and to be laid before a Committee of the House for private inspection.

No. 1.

Letter from William Hooker Smith, To Jona. Correy and Mr. Lassley, two of the settlers at Wyoming.

Gentlemen:

I am as fond of my proprietors Right as any man—perhaps I wish to obtain it in a sore way, I have urged Com. Franklin many times last winter to make provision for the half share men. I am

convinced that Pennsylvania will give us some lands, whether it will be only the Towns which are laid out and confirmed whilst under Connecticut, or whether they will give us a certain weight on each side. The River is to me unknown, I wish from my heart that those of the half share men, which are honest well disposed men, would get into the Towns which are laid out, or plant themselves on vacant lands as near the River as possible, so that they may be included with us who are settlers. Pray, Gentlemen, have we not told Pennsylvanians and the whole World, that we wished to be owned by them in a constitutional way, and that then we would submit to their Govt. They have at last held out terms to us of admittance, we have complied to every Requisition conditionally that if they do us Justice; are not most of us under the Tie of an Oath to the States? Have we not voted that we will take their Laws; and Pray, Sirs, if we shall now refuse to take their laws, or act in violation—what can we expect but to be dispised by all men, and expect the severe resentment of the State, and to be treated as Rebels and Traitors—for my part I should not expect but to be dispised by all men, and expect the severe resentment of the State—and to be treated as Rebels and Traitors—for my part I should not expect pity either from God or Man. Gentlemen,

I am yours to serve,
WM. HOOKER SMITH.

May 4, 1786.
John Correy and Mr. Lassley.

[Letter Book, Vol. 1. 382—388.]

No. 2.

"A serious address to the Inhabitants of Wyoming."

Gentlemen,

Two Reasons induced me to address you in the following manner, (vizt.) The first Reason is because my interest is connected with yours. The second Reason is my appointment by you in a public character—Gentlemen and neighbors, what have we been doing ever since the decree of Trenton, which determined the Jurisdiction in favor of Pennsylvania—I answer, petitioning repeatedly the Legislature for their Laws in a Constitutional Line, and to admit us as free Citizens of the State, which is now about to be done, our former conduct has the approbation of every good man, in this and neighbouring States. Pennsylvania has fixed to us Terms of admittance, namely, that we shall take the Oath of fidelity to the State and some of us be recognized. Does not Pennsylvania now hold to us their Constitution and desire us to take hold of it—I answer,—yes—They have marked

out a Road for us to walk in, in order to a full admittance—They have sent to us a magistrate who has attended to recognize the people, who recommends it to the people to apply for a free election—that is now the thing wanting, namely, application and as there is a necessity of constables, to be elected in the first place—for when a warrant is granted for an election, it must be directed to a Constable who must warn, attend, and direct the Election, and as Captain Shott and yourself are the only directors that are willing to act at this time, we did warn a meeting on the twenty-eighth instant at Kingstown which was attended only by seven or eight persons—what can be the reason of this conduct? Do you intend to prove to the world that you have been hypocritical from first to last, (God forbid.) It has ever since the Trenton decree, been my sincere desire to embrace the Laws and Constitution of Pennsylvania, if I could have them on honorable Terms. This I also expected was the desire of the people a few excepted—Nothing but a sincere desire to do good to the people and myself in this line induced me to act in a public capacity—If I have misunderstood the people I am sorry, this is a critical hour, pray rouse, act judiciously, candidly and consistently and as a warning will be put up for a meeting on the West side of the River, I do earnestly desire the people to consider, whether it is not for their interest to attend.

May 4th, 1786.

WILLIAM HOOKER SMITH.

[Letter Book, Vol. 1. p. 389—90.]

Delegates in Congress to Pres. Franklin, 1786.

To his Excell'y the President of the state of Penns'a.

New York, 7th May, 1786.

Sir,

We do ourselves the honor to transmit herewith a Copy of a Representation from the Board of Treasury of Congress recommending the discharge of the additional Commissioner for liquidating & certifying the claims of the Citizens of Pennsylvania against the U. S., & for settling the accounts between the Union & that State.

This representation has not yet been acted upon in Congress, but it is likely to be, & probably will be taken up & decided in the course of a few days. In the Mean time it would be highly pleasing as well as instructing to us to be favored with the sentiments of your Excellency & the Council, on this proposition. We are induced to believe that a considerable proportion of the Claims of the Citizens of Penns'a yet remain unliquidated & that from the want of a general knowledge among the Citizens of the time limited for presenting

their claims, which expired the seventeenth of March last, many hundred of those claimants are now left remediless by other means than an application at the Treasury office in New York; that considerable time must elapse before Mr. Stelle can enter upon the settlement of the State account; & that therefore two Commissioners may yet continue to be usefully employed in Penn'a for some time to come.

We have also conceived that it would be proper to obtain an Extension of time for Claimants to present their applications, in Penn'a "for the Reasons before suggested, Congress have been moved to grant such Extension in New York, but without success. If Council should be of opinion that it ought to be done in Penns'a, we hope to be armed with their Instructions for that purpose as early as may be.

We also transmit the Report of a Committee on a proposal of the State of Connecticut to cede part of the Claim of that state to Lands lying westward of Penn'a. If the proposal had been to cede the whole of the claim of that state to the Western Territory, there would scarcely have been any hesitation in accepting it, without enquireing how far the claim was well founded. But an apprehension that the acceptance of a part, as such may be construed as an admission of their claim to the Residue creates some difficulty. The proposed Deed in order to obviate this objection, is worded in such manner as not to express any Reservation. The Delegates of Connecticut urge warmly for an acceptance of this cession. Cessions somewhat similar have been accepted from New York, & Massachussetts which are pleaded as precedents. They urge as as pecial motive for our agreeing to it that it will induce the state of Connecticut to discountenance the further pretensions of the Delaware & Susquehanna Companies to lands in Penns'a & tend to detach the Real settlers at Wyoming from the more disorderly Partezans of these Companies.

Permit us also to mention that an advertisement has appeared in the Connecticut papers calling a meeting of those Companies on the 17th of this month for certain purposes & amongst others to take measures for conteracting the machinations of the State of Penns'a.

Some debate has already passed on this report of the Committee & from the warmth with which an early decision is urged for we imagine a decision will be obtained in the course of this week, & from present appearances it will probably be in favor of the Report.

We have the honor to be
very respectfully Yr. Exc'y
Mo. ob. & mo. H'ble Serv't,
CHAS. PETTIT,
For the Delegates.*

[Letter Book, Vol. 1., p. 377.]

* See answer to this in Vol. X., p. 759.

Letters from Wm. H. Smith to W. Montgomery, Esq., 1786.

Wyoming, May 14, 1786.

Sir,

There will be no danger of Letters being intercepted—The Barer is unsuspected—Strong & his associates say, that you are leading us wrong, that districts must be first set off by the Assembly before we can with propriety elect, and that we ought to wait untill the next sitting of the Assembly, and insist that we ought to have security from the State that they will do us justice, and that I am a mad man going, too fast to ensnare the people, that I came is to procrastinate until they can get fixed which a timely Exertion may prevent, Pray let me have a line from you on the subject of electing Constables, that I may be prepared to meet the people—answer to that Query I send inclosed the copies of papers which I have put up in the several districts.

Sir, I am with the greatest esteem

Your obedient humble servant,

WM. HOOKER SMITH.*

Directed,

To Wm. Montgomery, Esq.

P. S. In the greatest Hurry—my hand, head and mind is confused.

Wm. Montgomery to President and Council, 1786.

To the P. & Sup. Exec. Council.

Northumberland, May 17, 1786.

Gent'n

As a citizen of Pennsa. & much more as a civil officer, I consider myself under the strongest obligation to lay before you the information I have rec'd respecting the state of things & the measures now pursuing at that part of the Country called Wyoming. As you will perceive by the letters inclosed Col. Ethan Allen from Vermont at the solicitation of a certain Captain Solomon Strong of the state of New York, has arrived there, who with Col. John Franklin a liver at Wyoming have been endeavoring to take off & divert the people who had entered into recognizances before Esqr. Shaw from their allegiance to this state & to go into measures for erecting a new state; which is to include a part of this & part of N. York state. However wild the scheme, I believe they have made many converts at Wyoming, particularly among the late comers, & half share men, as they are called; who have no

* Then follows the Letter May 14, on Vol. X., p. 760.

change of pleading an early occupancy, or regular settlement, of course cannot flatter themselves with having any plea to hold their improvements under the jurisdiction of this state. Besides the above letters sent me by an Express I have had the opportunity of being more fully informed of the same things by William Shaw, Esq., & Thomas Grant Esq., who are just arrived from there; so that with me the matter is beyond all doubt, that a new Independent state is intended & that speedily. Col. Ethan Allen & Franklin are now gone to meet the Susquehanna Company in Conn. & are expected to return in four or five weeks. What the consequences will be or where it will end is not easy to forsee, but I conceive it would be sound policy & will be found absolutely necessary to take the most speedy & effectual measures to send up such a body of troops there as would support & give countenance to all who would desire to continue in their allegiance to this state, confirm the wavering & check the giddy in their mad career; if this could be done so that the world would see the state only meant to support the peaceable Inhabitant having title & property to be disposed of in Courts of Law, It would probably divide those people among themselves, & facilitate a full establishment of the jurisdiction of the state there; If our General Assembly at their next meeting go on to set that district off as a seperate County, I believe it would tend to the same happy purpose, as it will open the way to some of the honors & emoluments of a County, which will operate as a counterpoise to the honors and emoluments expected in a new state, and indeed submission to government, circumstanced & situated as they are, subject to a great number of petty suits & no Justice of the peace nearer than fifty miles, is a real difficulty & should be removed as soon as possible—what troops (if any,) will be raised, is not for me to determine but I sincerely believe none can be more unfit for this business than militia, for a variety of reasons which I need not mention. But convinced I am unless something is done & that speedily and effectually a new state will be attempted to be created within a very short time; whereas, a vigorous and timely opposition on liberal principles may crush the whole scheme & establish Peace in that unhappy district. William Shaw, Esq., who also writes you on this business sends you a copy of an intercepted letter properly authenticated which lays open their whole scheme. The Letters & papers inclosed will also shew their design & the pains taken by the signers to prevent the people being mislead. They sent them to me by a special Express & wished that it might not be generally known how they came by some part of their information that they had communicated it so fully; as it would render their situation very insecure, unless they received timely & effectual support. I hope his Excell'y the President & the Hon'ble the supreme Executive Council will pardon my plainness on this occasion, as I look upon the affair to be of so much Importance & of

so serious a nature as to render a scrupulous attention to ceremony improper.

Gent., I am, with the most sincere Respect
His Excell'ys & y^r Hon'rs H'ble Serv't,
WILLIAM MONTGOMERY.*

[Letter B., Vol. I., p. 374.]

Thomas Grant to Pres. Franklin, 1786.

To His Excell'y Benj. Franklin, Esq., Pres.
Northumberland, May 20, 1786.

Sir,

As an officer of Government I think it my indispensable duty to inform Council of the Treatment which I lately received at Wyoming, declarations of Ejectment & sundry other processes were put into my hands against People living at & near Wyoming in order to the Executry of which I arrived at that place on the fourteenth instant, the fifteenth I spent mostly in making Enquiries respecting the disposition of the Inhabitants, the next day I arrested John Paul Schott who declared he would not submit nor pay any respect whatever to my arrest, this he did in the presence of Mr. Shaw, before whom he had not long before entered into Recognizance. Sundry others whom I had arrested behaved in the same manner as Schott & declared ag^t any submission. I had information at sundry times of persons who had declared they would take my life, but on the next day (the Seventeenth) I observed some people collecting at one Yarrington's & soon after a greater number appeared at Schott's, being told that their Intentions were against me I went towards my lodgings but was overtaken by them on the way, they accosted me with the most insulting language & concluded by saying the order of the settlement were, that I should leave the place in two hours with my damned writs or abide by the consequences—one of them struck William Wilson, the man who accompanied me with a stick & made towards me, but having pistols I declared I would blow his Brains out if he advanced, I however made to my lodging & posted myself in the door declared I would shoot the first man that advanced, after some time one of them desired to speak to me in private, I agreed on condition that the Rest would retire. They retired a little, but while I was in Conversation with the one who came in, they returned & order'd the Landlady to turn out the damned penamite Rascal or they would shoot through every door & window of the house—much insulting and abusive lange was used by them & as they were armed with Clubs and pistols, I was obliged

* See reference to this letter in Vol. X., p. 765.

as well for my own safety as for the protection of the woman & poor children to submit to their terms, viz., that I would execute no process whatever & leave the place in two hours, on my giving them my honor that I would comply, they returned to Yarington's to see that I complied: and I cannot help observing that I have every reason to believe that my life depended on my compliance—to mention every insult & contempt that was showed me during the time I was there would far exceed the Bounds of a letter. It was however impossible to execute the Laws of Pennsa. in these parts without armed force to support the officers.

It is now knowing publickly that their intentions are to form a new state. Ethan Allen with a great number of new adventurers are at the head of this business & since their arrival every idea of submission to the Laws of Pennsa. has vanished.

I have the honor to be,
your mo. ob. h'ble serv't,
THOMAS GRANT.*

[Letter B., Vol. I., p. 385.]

Lawrence Keene Prothonotary for Co. of North'd, 1786.

Sunbury, June 1, 1786.

Dear Sir,

Inclosed I have the honor of handing you a list of the persons names at Wyoming, who entered into a Recognizance before Wm. Montgomery & Wm. Shaw, Esq.,† agreeable to a Law passed the 24th day of Dec., 1785. I have transmitted the originals as I conceived the order of Council, particularly expressed my doing so.

I am, Dear Sir, Yr.
mo. ob. Hble. Servt.,
L. KEENE.

Directed,
John Armstrong, Esq., Sec. Sup. Exec. Council.

Letter from John Franklin at Wyoming to Wm. Montgomery, 1786.

Wyoming, June 26, 1786.

Sir,

I have had the perusal of your letter to Mr. Meyers of the 22d instant, as you made mention of my name with great reflections, I

* See Vol. X., p. 766.

† Letters are also recorded in Letter B. Vol. 1, p. 395, 397, from them together with a full list of the names of the persons recognized.

think proper to return you an answer; I think your letter very extraordinary, you undertake to tell us what Congress have done; what the Susquehanna Comp'y have consented to, &c.; and what his Excell'y, the president has authorized you to inform us of, &c.

You tell us that Congress have Resolved to grant a Tract of Country Northward of Penn. & Westward of N. Y. state on Lake Erie, to the Susqueh. Comp'y in lieu of a relinquishment of their (viz.:) The Company's Right, & that the Susq. Co. & all parties are satisfied with the same. I must tell you, Sir, that we are not unacquainted with the Resol'ns of Congress or proceedings of the Susq. Co. Your Representations are inconsistent with Truth. The votes of the Susq. Co. of the 17th of May last, may convince you of their intention, (a copy of said votes I send inclosed. You tell us that you expect the wise & virtuous amongst us will avail themselves of the kind Intentions of Gov., & thereby secure the benefits of your free, equal and happy constitution. I would wish to be informed whether a Removal of six thousand souls from their justly acquired habitations at Wyoming to be fixed among the nations at Lake Erie, is to such Emigrates the injoying the benefits of your free and happy Constitution; or whether your Constitution & Right of Government extends to a Territory Northward of your State and Westward of N. Y.

You query whether it will Satisfy Allen & Franklin and their adherents to give up their farms, *which they have justly acquired* & cultivated at Wyoming, to Pennsylvania Land Schemers? & run our chance of having wild Lands on the hunting Grounds at Lake Erie—be assured, Sir, it is no query in my mind; I expect to enjoy my lands here, unless legally removed by a regular course of Law had before a proper Tribunal.

Your Query, that whether after all that the wisdom and forbearance of Gov't can do for us, we must be a people devoted to hardships danger & devastation. I wish you had explained yourself more fully on that head, whether you mean the forbearance that you saved some part of our women and children alive at the time you expelled us from this country by an armed force in the year '84, or whether by giving us liberty to have a being in that part of God's World, on the waters of Lake Erie; wonderful forbearance indeed! You threaten us with devastation in case of non-compliance, but let me tell you, Sir, that we disregarded your threats. You tell us you are authorized by a letter from His Excell'y the Pres. to inform us of the Resolution of Congress & the assurances of protection from Govt. I would inform you, that I have his Excelly's Letter of the Twelfth inst. now before me. The assurance gives us the greatest satisfaction. But His Excell'y does not inform us of the appointment of a substitute at Northumberland to acquaint us of the good intentions of Govt., &c.

You also recommend that we demean ourselves as good citizens, & not be drawn from our allegiance by the wild schemes of the men,

who live by fishing in troubled waters, that these men when distress arriveth, will leave us to shift for ourselves and hunt out a new scene in which to exercise their unhappy talents, to which I answer—It ever has been and still is our desire to demean ourselves as good Citizens, and would wish to be protected as such, tho' we are sorry to say we have never yet enjoyed the benefits of your Constitution though solemnly pledged to us. You pretend to be afraid that People here will be drawn from their allegiance by the wild schemes of men, who live by fishing in troubled waters—had you been honest, you would have said, you was afraid that the exhortations of the wise, righteous and just will have such deep impression on the minds of the good people at Wyoming as will induce them to stand forth on their defence in a just and righteous cause and overthrow the hellish schemes of the land monopolizers, who wish to distroy the Yankeys from the face of the earth, that they may enjoy the Lands our hands have cultivated and our Blood enriched. You further pretend to be afraid the wild schemes, (as you term them,) will have the people at Wyoming when danger arriveth. I believe, Sir, it is your sincere wish that the wise and virtuous would withdraw that you might thereby have a better opportunity of drawing the more ignorant and innocent people into a snare & persuade them to give up their all for a Rattlebox. I then query whether you would not cheat that from them, provided the Honor of the Land Schemers only could be pledged for the delivery thereof. But be assured, Sir, the wise and virtuous will not withdraw. We have been inured to danger, hardship and devastations, we have been too often deceived by your people, the Land Schemers as well as by some of the officers of Gov't, who made great pretentions of honesty, justice & friendship, and whose fair words and flattering speeches are not to be believed, for thus saith the Lord, "Their hearts are full of all manner of abominations."

You tell us of a removal of Congress from your State, then advise us to avail ourselves of the kind intentions of Gov. & secure "the benefits of your Constitution, embrace the offered mercy, relinquish our all to Lands Schemers and take Lands at Lake Erie. Pray, Sir, view the inconsistency of your Letter—how in the name of God do you expect to protect us by your constitution when we are out of your State. You tell of fishing in troubled waters. It reminds one of the words of Nathan to King David "(thou art the man.") Let me tell you, Sir, we esteem ourselves capable of transacting our own Business, and would advise you to avail yourself of the late votes of the Susq. Company, & thereby secure your Lands.

I wish for peace on just and honorable terms, &

am, Sir, yr.

Humble servant,

JOHN FRANKLIN.

N. B.—The benevolent intention of the Company to your settlers, & particularly to yourself is to the disadvantage of my honored Father, who is the sole owner of those Lands you claim at Mahonen,

At a meeting of the proprietors of the Susquehanna Purchase of Lands, legally warned and held at Hartford, May 17th, 1786.

Col. Gadsby, Moderator.

Voted —That all persons settled under the authority of the State of Penns[a] & now actually inhabiting upon that Tract of Country on the Westerly Waters of the Susquehanna River, & purchased of the natives by the Company, called the Susquehanna Company be, & the same are hereby fully established & confirmed with full and absolute possession of the Lands by them actually possessed under the said State of Pennsa.

Voted.—That this Company conscious of the equity of their Title to the Lands bona fide purchased of the natives and situate upon the Waters of the River Susquehanna will support and maintain their claim to the Lands aforesaid, & effectually justify and support their settlers thereon.

Voted.—That Samuel Gray, Esq., Col. Thomas Dyer and Col. Ebenezer Gray be, and they are hereby appointed a Committee with full power and authority to make out a list of all such persons as are Proprietors of said Company and have paid their taxes agreeable to the votes of said Company, and that all persons that have neglected & shall neglect to pay the same by the first day of September next, shall, and the same are hereby excluded from any right, interest or property within the Territory aforesaid. The said list of Proprietors to be completed by the first day of September next.

Extract from the Records,

SAM'L GRAY,
Clerk.

Thomas Hartley to Wm. Bradford, A. G., 1787.

York Town, Jan'y 5th, 1787.

Dr Sir,

You will discover by my letter of the 5th ult., what was the Idea most of the Gentlemen had here concerning the Tumult the Thursday preceeding.

The Measures taken by the Friends of civil Power were perhaps highly proper for the Day, and could it be with Certainty said the Disorder was totally removed, and no bad Consequences were to be apprehended, the Plan proposed by the Letter might be an eligible one.

As I wrote before, it would be perhaps uncandid or unjust in me, when I have the smallest Apprehensions or any Reason to occasion a Doubt concerning the Designs of those People called Insurgents, to recommend a State of Security which perhaps cannot be trusted.

Several have been bound over to the Sessions, what the Fate of an Indictment there may be is not certain to determine; an Ignoramus Bill would be a disagreeable Consideration. The Justices are Men of Character, but in the Punishment of their Neighbours in Case of a Conviction it might not be so adequate or Independent as in the Supreme Court. Under the Direction of their Honours the Innocent and guilty might perhaps be better discriminated.

I have understood that it has been the Opinion of several below that the Supreme Court at next Assizes would be the proper Tribunal to investigate the Matter in.

It would be Presumption in me to recommend a contrary Principle; a mistaken Confidence might be very dangerous. I am*sorry for the misguided Conduct of these Men, several of them stood in a very good Light before.

How then shall the Business be conducted? please to direct.

As I said before, Several of them have been bound over to appear at the next Court of General Quarter Sessions in this Month, and will probably attend. If the Trials are to be above, should not the Persons charged be recognized anew in the Sessions—with Bail to appear before the Justices of the Supreme Court at the next Assizes, &c.?

This would be the speediest Way. If other Persons are to be proceeded against, a Warrant may issue from the Chief Justice before he comes here in the Spring to have them taken.

You will be so good as to send your Instructions to point out what you mean should be done. You will be pleased to consult the Judges if you think proper.

Perhaps the Chief Justice will not think it amiss to write to the President of the Court what their Honours would think expedient and necessary further to be done.

And I am, Sir,

With great Respect and Regard,

Your most Obed. & most humble Serv't,

THOS. HARTLEY.*

P. S. Present my Compliments to the Chief Justice and his Brethren in Town.

Directed,

The Honourable Wm. Bradford, Jun., Esq., Att'y General.

Gov. Randolph of Va. to Pres. Franklin, 1787.

Duplicate. Richmond, January 11th, 1787.

Sir,

From the inclosed memorial of Col. Charles Simms, your Excellency will collect his anxiety concerning a contest now depending in

* See Col. Rec., Vol. XV., p. 147.

a Court of your State. But I am forbidden by the Confidence which I place in the justice and proper execution of your laws, officially to interpose on this occasion, farther than to communicate his suggestions, of which your Excellency will, I am sure, make every use and application which may, with propriety, tend to his relief.

I have the honor, Sir,

To be your Excellency's mo. ob. serv't,

EDM. RANDOLPH.

His Excellency, The president of Pennsylvania.

Gov. Caswell of N. C., to Pres. Franklin, 1787.

No. Carolina, January 12th, 1787.

Sir,

Inclosed you will be pleased to receive an Act of the Legislature of this State for appointing Deputies to a Convention proposed to be held in the City of Philadelphia in May next, for the purpose of revising the Federal Constitution.

Our General Assembly were induced to pass this Act in full expectation that the several States in the Union would Co-operate with us in this desirable Object.

I have the Honor to be, with the
Greatest respect & esteem, Sir,
Your most Obedient & very humble Servant,

RD. CASWELL.*

Directed,

His Excellency, The President of the State of Pennsylvania.
By post.

Gov. Randolph of Va. to Pres. Franklin, 1787.

Richmond, January 21st, 1787.

Sir,

When I did myself the honor of addressing your Excellency, as above, on the 11th Instant, the memorial said to be inclosed was by mistake omitted. I am therefore obliged to trouble you once more on the same subject; and must beg you to believe that I am, Sir,

With the highest respect,
Your Excellency's mo. ob. serv't,

EDM. RANDOLPH.*

Directed,

His Excellency, the President of Pennsylvania.

* See Col. Rec., Vol. XV., p. 159.

State of North Carolina.

An act for appointing deputies from this state, to a convention proposed to be held in the city of Philadelphia in May next, for the purpose of revising the federal constitution.

Whereas in the formation of the fœderal compact which frames the bond of union of the American states, it was not possible in the infant state of our republics to devise a system which in the course of time and experience would not manifest imperfections that it would be necessary to reform. And whereas the limited powers which by the articles of confederation are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce. And whereas Congress hath by repeated and most urgent representations, endeavoured to awaken this and the other states of the union, to a sense of the truly critical and alarming situation into which they must be unavoidably cast, unless measures are forthwith taken to enlarge the powers of Congress, that they may thereby be enabled to avert the dangers which threaten our existence as a free and independent people. And whereas this state hath been ever desirous to act upon the enlarged system of the general good of the United States, without binding its views to the narrow and selfish object of partial convenience, and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate:

I. *Be it therefore enacted by the General Assembly of the state of* North Carolina, *and by the authority of the same,* That five Commissioners be appointed by joint ballot of both houses of Assembly, who, or any three of them, are hereby authorised as deputies from this state, to meet at Philadelphia on the first day of May next, then and there to meet and confer with such deputies as may be appointed by the other states for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of our fœderal union, and to procure the enlarged purposes which it was intended to effect, and that they report such an act to the General Assembly of this state, as when agreed to by them, will effectually provide for the same.

II. *And be it further enacted,* That in case of the death or resignation of any of the said deputies, or of their declining their appointments, his Excellency the Governor for the time being, is hereby authorised to supply such vacancies, and the Governor is required to transmit forthwith a copy of this act to the United States in Congress assembled, and to the executives of each of the states in the union.

Read three times and ratified in General Assembly, the sixth day of January, Anno Dom., 1781.

JAMES COOR, S. S.
JOHN B. ASHE, S. C.

[ss.] North Carolina.

In General Assembly, January 6, 1787.

Mr. Willis, from the joint balloting for members to attend a meeting proposed to be held at Philadelphia in May next, for the purpose of revising the fœderal constitution, reported,

That his Excellency Richard Caswell, Esquire, Alexander Martin, William R. Davie, Richard Dobbs Spaight and Willie Jones, Esquires, were elected for that purpose.

The House taking this report into consideration concurred therewith.

Extract from the journal.

J. HUNT, C. H. C.
J. HAYWOOD, C. S.*

Managers of State Lottery to Council, 1787.

May it please the Council,

By the absence of one of the Managers of the Lottery and the indisposition of another, there remains but *one* to attend to the drawing.

The Magistrates and Clerks are ready to proceed, but as the Law requires the presence of *two* Managers, I pray the directions of Council for the regulation of my conduct in this conjuncture.

I have the honor to be

with the greatest Respect

May it please the Council

Their most obedient & most humble servant,

MATTH. CLARKSON.*

Assembly Chamber, State House, February 8th, ½ past 10 o'clock.

Indorsed,

Read in Council February 8th, 1787, and Mr. Peter Baynton appointed a Manager during the indisposition of Mr Fuller.

Directed,

The Honourable The Supreme Executive Council.

* See Col., Rec., XV., p. 159.

Proclamation of Gov'r of Massachusetts against Shays, &c, 1787.

Commonwealth of Massachusetts.

By his Excellency James Bowdoin, Esqr., Governor of the Commonwealth of Massachusetts.

A Proclamation.

Whereas the General Court of this Commonwealth did, on the fourth of February instant, declare, that a horrid and unnatural Rebellion and War hath been openly and traiterously raised, and levied against this Commonwealth, with a design to subvert, and overthrow the Constitution, and form of Government thereof:—and whereas it appears, that Daniel Shays of Pelham, and Luke Day of West Springfield, in the County of Hampshire, Adam Wheeler of Hubbardston in the County of Worcester, and Eli Parsons of Adams in the County of Berkshire, have been the Principals in, and abettors and supporters of this unnatural, unprovoked and wicked Rebellion, against the dignity, authority and Government of the said Commonwealth.

I have therefore thought fit, by and with the advice of the Council, and at the desire of the General Court, to issue this proclamation; hereby requiring all Judges, Justices, Sheriffs, Grand-Jurors, Constables & other Officers, civil and military, and also recommending it to all other good subjects within this Commonwealth to use their utmost endeavours for discovering and apprehending the said Daniel Shays, Luke Day, Adam Wheeler & Eli Parsons, and them to deliver to the high Sheriff for the County of Suffolk, that so they, or either of them may be rendered to justice: and for the encouragement of such persons as shall apprehend the said Daniel Shays, Luke Day, Adam Wheeler and Eli Parsons, or either of them, and deliver them to the Sheriff as aforesaid—it is hereby declared, that he or they shall thereupon be entitled to receive out of the public Treasury for that service, a reward of one hundred & fifty pounds for Daniel Shays, and one hundred pounds each for Luke Day, Adam Wheeler & Eli Parsons.

And all persons whatsoever are hereby strictly commanded not to harbour, entertain or conceal the said Daniel Shays, Luke Day, Adam Wheeler or Eli Parsons, as they will answer the contrary at their Peril, and avoid the Penalties in this case by law provided.

Given at the Council Chamber in Boston this ninth day of February, in the year of our Lord one thousand seven hundred & Eighty-seven; and in the Eleventh year of the Independence of the United States of America.

JAMES BOWDOIN,*

True Copy, By His Excellency's Command.

Attest JOHN AVERY, jun'r, Sec'y.

* See Col. Rec., XV., p. 170. Proclamation of Pennsylvania, 177, 183.

Opinion—Judges McKean and Bryan on Depreciation of Pay, 1787.

The Supreme Executive Council of the State of Pennsylvania, by their act of the 4th day of January last, which was received on the 5th inst., requested the opinion of the Judges upon the claim of Colo. James O'Hara, for depreciation of his pay as Commissary in the General Hospital. The certificate of Benjamin Walker, Commissioner, under Congress for the Hospital department, the settlement of said claim by John Nicholson, Comptroller General of the State, and the opinion of William Bradford, jr., attorny General of the State,* respecting the same were also received.

In answer, we would observe, that, as the case of James O'Hara has not been stated particularly, we apprehend the question to be a general one, to wit, Whether a Commissary of a district Hospital, who resigned his appointment after the 10th day of April, 1780, or became supernumerary by the arrangement of the Hospitals, by Congress, on the 30th day of September, 1780, be intitled to the depreciation of his pay, under the Resolve of Congress of the 20th day of February, 1782?

It may be proper to premise, that the first establishment of the Hospital of the American Army was upon the 27th July, 1775, in which there is no mention made of a *Commissary;* but a *Clerk* and two *Store-keepers* are named, and therein called *officers.* By the next arrangement, viz., April 7th, 1777. A *Commissary* of the Hospitals in each district it established, and the next day his pay is fixed at two dollars a day, and his rations at four per day. By another arrangement made on the 30th day of Septebmer, 1780, *Commissaries* are discontinued, and *Stewards* and *Ward-masters* are therein sited "officers." By the act of Congress, dated the 20th day of October, 1782, the Comptroller is directed "to adjust the "accounts of *all the officers* of the late General Hospital, for pay "and subsistance, up to the time the arrangement took place in "September, 1780, or for so much of the preceding time, as they "continued in service &c.," "and it is recommended to the Legisla-"tures of the several States, to settle and discharge, on account of "the United States, the depreciation of pay of such *officers* in the "late General Hospital, as are inhabitants of or belonging to their "respective States, who resigned their appointments after the 10th "day of April, 1780, or became supernumerary by the new arrange-"ment in September, 1780." By the Act of Assembly of the 13th day of April, 1782, the Comptroller General is directed to settle the depreciation of thepay of such officers.

In pursuance of the Acts above recited, the Commissioner of the United States, the Comptroller General of this State, and the Attorney General are of opinion, that a Commissary of the Hospital is such an officer, as is intitled to the depreciation of his pay. We

* See page 58.

the subscribers (Judges Atlee and Rush being out of Town) upon mature consideration of the justice of the case, the intention of Congress and the purview of all their proceedings relating to this subject, concur in the same opinion.

THOS. McKEAN,
GEO. BRYAN.

Philadelphia, Febr'y 16th, 1787.

Directed,

To The Honorable The Vice-President and the Supreme Executive Council.

WARRANTS FOR LANDS IN NEW PURCHASE ISSUED, 1787.

Philad^{a}, Febr'y 19th, 1787.

Sir,

Agreeably to your directions, I beg leave to report, that during the last 6 months the following Warrants were issued from and monies paid into the Receiver General's office, for Lands in the new purchase, viz^{t} :

		A^{s}	
1786—August,	2 Warrants	402	£120 14 3
Sept.,	3 do	218	65 15 2
Octr.,	" "	"	" " "
Novr.,	" "	"	" " "
Decr,	1 do	185	55 11 2
1787—Jan'y,	2 do	93	27 18 0
	8W^{ts}	898A^{s}	£269 18 7

I have the honor to be
your most ob^{t} Hble. Servant,
FRA^{s} JOHNSTON.

Hon'ble Cha's Biddle, Esq^{r}.

SEC'Y OF CONGRESS TO PRES. OF PENNSYLVANIA, 1787.

(Circular.)

Office of Secretary of Congress,
Feb'y 21st, 1787.

Sir,

I have the honor to transmit to your Excellency, herewith inclosed, an act of the United States in Congress assembled, and am, with the greatest respect,
your Excellency's most
obedient & most Humble Servant,
CHA. THOMSON.

His Excellency The President of Pennsylvania.

Sec'y of Congress to Pres. of Pennsylvania, 1787.

(Circular.)
Office of Secretary of Congress.
March 1st, 1787.

Sir,

Pursuant to order, I have the honor to transmit to your Excellency, herewith enclosed, a state of the representation in Congress for the Month of Decr, Jan'y & Feb'y, to be communicated to the Legislature.

With the greatest respect,
I have the honor to be
your Excellency's most obedient
& most Humble Servant,
CHA. THOMSON.

His Excellency The President of Pennsylvania.

Sec'y Armstrong to Attorney General, 1787.

Secretary's Office,
Philada, March 1st, 1786.

Sir—Council request your opinion upon the following question as soon as it may be Convenient:—

If the Militia was called in the year 1781, and if an appeal was not then held within the time limitted by Law, can an appeal be held now? if not, can the fines be levied off the delinquents?

I am, sir, your most obedient, humble servant,
JAMES TRIMBLE, for
JOHN ARMSTRONG, jun.,
Secry.

Wm. Bradford, Esqr, Attorney Genl.*

Pres. Sullivan of N. H., to President Franklin, 1787.

State of New Hampshire,
Durham, 3d March, 1787.

Sir,

I have the honor of inclosing a Resolve of the General Assembly in this State appointing Delegates to meet in Convention at Philadelphia the second day of May next.

And am with much esteem
Sir, your Excellency's most
obedient and very humble Servant,
JNO. SULLIVAN.

Directed,
His Excellency, The Governor of Pennsylvania.
Jno. Sullivan.

* His reply has not been found.

Deputies of New Hampshire to Convention, 1787.

State of New Hampshire,
In the House of Representatives, Jan'y 17th, 1787.

Resolved, that any two of the Delegates of this State to the Congress of the United States, be and hereby are appointed & authorized as Deputies from this state, to meet such deputies as may be appointed and authorized by other States in the Union, to assemble in Convention at Philadelphia on the second day of May next, and to join with them, in devising and discussing all such alterations & further provisions as to render the federal Constitution adequate to the Exigencies of the Union & in reporting such an act to the United States in Congress, as when agreed to by them, and duly confirmed by the several States, will effectually provide for the same; But in case of the Death of any of said Deputies, or their declining their appointments, the Executive is hereby authorized to supply such vacancies, and the President is requested to transmit forthwith a Copy of this Resolve to the United States in Congress & to the Executive of each of the States in the Union.

Sent up for Concurrence.

JOHN LANGDON, Speaker.

In Senate the same day, read and Concurred with this amendment, that the said Delegates shall proceed to join the Convention aforesaid in case Congress shall signify to them, that they approve of the said Convention as advantageous to the Union and not an infringement of the Powers granted to Congress by the Confederation.

JNO. SULLIVAN, President.

In the House of Representatives the same day read & concurred.

JOHN LANGDON, Speaker.

A true Copy.

Attest, Joseph Pearson, Sec'y.

Memorial of Northumberland Co.—Recorder of Deeds, 1787.

To His Excellency the president, and the Supreme Executive Council of the State of Pennsylvania.

The recommendation of the magistrates & other freeholders of the County of Northumberland,

Respectfully Sheweth,

That as the Inhabitants, and others, who are invested with Titles for lands, in the said county of Northumberland,—are obliged by law to have their rights recorded, and as many persons not knowing,

nor not having their titles properly acknowledged, nor proven, Till they apply to the Recorder, are then obliged to go and have it done, altho' often inconvenient. Therefore as we Conceive it would be more for the Conveniency of the people,

Would beg leave to recommend, that the recorder of said County may be fully impowered by your Hon'ble Council, for the purpose afforesaid, he being a person, wherein such trust and Confidence Can be reposed.

Wm. Antes,	Daniel Kelley,	Jacob Dressbach,
John Phulor,	Wm. Clark, Bufalo.	John Lytle,
Jas. Murray,	Thomas Gaskins,	Wm. Sims,
And. Straube,	James M. Lees,	Wm. Montgomery,
Joseph Salmon,	Richard Robinson,	Wm. Shaw,
Xtoph Dering,	Alex. Ewing,	Wm. Cook,
Benjn. Lyon,	Jno. Nelson,	Jno. Kelly,
Robt. Lyon,	Robt. Reynolds,	John Aurand,
Benjn. Walker,	Aaron Kimrod,	John Heckart,
William Fisher,	John Clark,	Jas. Potter,
Robt. Martin,	James Logan,	W. Irwin,
Daniel Montgomery,	W. Clark, Shamockin	Jacob Follmer,
Robt. Taggart,	creek.	Elias Yungman,
David Woodside,	Henrich Aurandt,	

Indorsed,

March 10, 1787.

Establishment of the "Evening Chronicle," 1787.

Sir,

I beg leave to request you will be pleased to inform the honorable the Supreme Executive Council, that I have lately established a Newspaper in this City, "The Evening Chronicle," which I hope will meet the approbation of the Public. The patronage of the Council by an Encouragement equally with other Papers, will more immediately tend to give it a general Circulation.

I am, sir, with great Esteem,

your very obed. Hble, Servt.,

ROBERT SMITH.

Philadelphia, 12th March, 1787.

Directed,

The Hon'ble Charles Biddle, V. P. S. Ex. Council, &c , &c.

Sales of Depreciation Lands, 1787.

Philad^{a}, Mar. 12th, 1787.

Sir,

I beg leave to report to Council, that pursuant to public notice given, I proceeded to the sale of the residue of Leets district of Depreciation Lands, at the Old Coffee House on the 7th inst., but to my great surprize and mortification the 27 Lots which were sold on that day averaged only £5 8 4 ℔ 100 Acres.

The Sales I then postponed 'till the 10th following, when but 3 Lots were sold at the rate of 25s. ℔ 100 Acres only, or 3^{d} ℔ Acre. Upon the whole, I cannot help thinking that until the operation of the present low Sales of the Donation Lands shall cease, no more public Lands so remote from the City can be sold at Auction to any advantage.

I have the honor to be
your most ob^{t} Servant,

FRA^{s} JOHNSTON.

Directed,

The Hon^{ble} Charles Biddle, Esquire, in Council.

Council to Gov. Clinton, of N. Y.—Partition Line, 1787.

In Council,
Philad^{a}, March 15th, 1787.

Sir,

I have the honor to inform your Excellency, that as the Season for resuming the business of the partition line between this State and that of New York is now fast approaching, The Commissioners of this State have it in instruction to communicate with the Commissioners of yours, upon the measures which must necessarily be Concerted previously to their setting off, and that for this purpose will attend at New York on the 25th day of this Month.

I am, Sir, with much respect,
your Excellency's Most Obedient Servant.*

His Excellency George Clinton, Esquire, President State of New New York.

Fra's Hopkinson, J. A., to Council, 1787.

Gentlemen:

I have the Honour to enclose a certified Account of Fees received in my Office in the Quarter ending the 13th Instant, and to request,

* See Col Rec., Vol. XV., page 180.

as usual, your Draft on the Treasury for £50 Advance on Account of Salary.

I have the Honour to be,
with all due Respect,
Gentlemen, Your most obedient
and very humble servant,
FRA'S HOPKINSON.*

Philada., March 16th, 1787.

Account of Fees received by the Honourable Francis Hopkinson, Esqr, Judge of the Court of Admiralty of Pennsylvania, from the thirteenth Day of December, 1786, to the fourteenth of March, 1787.

	Costs.	
1786.		
December 16.—	Silas Talbott vs. Brigs Achilles, Patty & Hibernia	£15 8
	Writs of Survey.	
" 18—	Brig Aurora, Edward Rice, Master, from Cape Francois	1 10
1787.		
January 2.—	Sloop Active, John Wilson,—suffer'd by Ice outward bo[d]	1 10
" 6—	Brig Devonshire, Wingate Newman, from Liverpool	1 10
" 12—	Ship Ann, James Ramage—Londonderry	1 10
" —	Sloop Fanny, Charles B. Finley—Fredericksburgh	1 10
" 23—	Merchandize consign'd to Henry Hirsch, landed from Ship Hannah, Andrew Davis, Mastr. from Amsterdam.	1 10
	Costs.	
" 25—	Robert Reed, et al. vs. Sloop Endeavour.	8
	Writs of Survey.	
February 1—	Brig Favorite, George Lyon—Malaga	1 10
" 10—	Ship Liberty, William Frears—Cork & St. Ubes	1 10
" 16—	Brig Betsey, Joseph Vancise, for Repairs	1 10
	Costs.	
March 13—	Francis A. Richette vs. Francis Garroau	1
		£37 18

* See Col Rec., Vol. XV., page 185.

I do hereby Certify that the above is a true & faithful Account of all Fees received by the Honourable the Judge of the Admiralty aforenamed between the thirteenth day of December last past, and this Day. Philadelphia, March 14th, 1787.

JAMES READ, Regt of sd Court.

Directed,

His Excellency The President and Honourable Supreme Executive Council.

Hon. Arthur St. Clair to Council, 1787.

New York, March 19th, 1787.

Sir,

Having seen a resolution of Council requiring all officers who have public monies in their hands forthwith to pay up their respective Ballances; and in case of failure that they be displaced, and the Comptroler proceed against them for the recovery of them. I find myself unfortunately in a situation to be included in the number of those who may be considered as delinquent, & consequently exposed to the operation of that Resolution; & to-morrow is the utmost period to which the Comptroller has consented to extend any Delay. I would entreat Council to consider that I am not exactly in the same situation with other officers concerned in the collection of the public Revenue; with those the monies come directly into their hands without any Risque; with me they do not from the manner in which the Business of the vendue office has been conducted, which I did not introduce, and have not been able to remedy. I am obliged to give credit, not only for the State Duties, but for the value of the property disposed of, and to make advances of my own Monies to the proprietors, and collect it again sometimes with great loss, always at a risque, and at a very heavy Expence. That the Reason of my being at present so far behind is the large outstanding Debts, which, with all the Industry that could be used, I have not been able to get in. That, however, I do expect that on the Day a considerable part of the Ballance will be paid off. That the remedy the State has against me is a summary one, whereas against my Debtors, when obliged to bring suits. I must wait all the Delays that legal forms allow, if they please to avail themselves of them; and in the present situation of Things, there are few that will not avail themselves of them, which does not put me upon an equal footing. That the consequence of a suit will probably be ruin to me and my family, which I flatter myself, indeed I am confident, it would give pain to Council to bring upon any Man where there was no Crime. I beg Council further to consider that so far

from being a lucrative office, the city Vendue has never, since it has been in my hands, maintained my Family, and that for some time past it actually has not paid the expences. I persuade myself it was their Intention to confer a favour when they appointed me to the office, and I have ever cherished the most grateful sentiments; but at this moment a rigorous exaction of the Ballance I owe, would convert it into the most cruel Injury involving, with the loss of Credit, the Destruction of a large Family, the principal part of whose provision has been swept away by the expences that attended the station I held in the prosecution of the Revolution, and the depreciation of the money. I entreat Council farther to consider that the State runs no risque of finally losing the Debt, because they have ample security for a much larger Sum; but should any Doubt be entertained on that Head, I will deposit in the hands of the Comptroller public securities to a much greater amount. It is peculiarly unfortunate that at this time I am confined to this City; if I could be only a few Days at Philad'a, I have reason to believe I could accomplish the payment, at least do something towards it from my own Funds, which I certainly would tho' at a great loss. There is, however, a probability that I shall go there—in the mean time some farther indulgence in point of time would be of infinite Service, and I have to request Council that they will be pleased to give Directions to the Comptroler, accordingly which will be most gratefully acknowledged by.

Sir, your most
obdt. Humble Servt.,

AR. ST. CLAIR.*

Resolutions of Congress, 1787.

In Congress, March 21st, 1787.

Resolved, That the Legislatures of the several States cannot of right pass any act or acts for interpreting, explaining or construing a national treaty or any part or clause of it; nor for restraining, limiting or in any manner impeding, retarding or counteracting the operation and execution of the same, for that on being constitutionally made, ratified and published, they become in virtue of the confederation part of the law of the land and not only independent of the will and power of such Legislatures, but also binding and obligatory on them.

Resolved, That all such acts or part of acts as may be now existing in any of the States repugnant to the Treaty of peace ought to be forthwith repealed; as well to prevent their continuing to operate as Violations of that Treaty as to avoid the disagreeable necessity,

* Col. Rec. XV., p. 183, 194, 197. P. Wikoff appointed in his place. Gen'l St. Clair having "been advanced to a high station by the U. S."

there might otherwise be of raising and discussing questions touching their validity and obligation.

Resolved, That it be recommended to the several States to make such repeal, rather by describing than reciting the said acts, and for that purpose to pass an act declaring in general terms that all such acts and part of acts repugnant to the Treaty of peace between the United States and his Britannic Majesty or any article thereof, shall be and thereby are repealed; and that the Courts of law and equity in all causes or questions cognizable by them respectively and arising from or touching the said treaty, shall decide and adjudge according to the true intent and meaning of the same, any thing in the said acts or parts of acts to the contrary thereof in any wise notwithstanding.

Indorsed,

1787, March 21st. Resolution of Congress recommending the repeal of all Legislative Acts repugnant to the Treaty of Peace.

Resolutions of Congress, 1787.

By the United States in Congress assembled,

March, 23, 1787.

On the report of a committee appointed to consider the reductions necessary to be made in the civil list department.

Whereas the present deranged condition of the national revenues, and the numerous demands on the federal treasury, are not only considerations of the most serious weight and importance, but justly operate as powerful motives in favor of every œconomical reform, which can with safety be adopted in the public expenditures,

Resolved, That the sum to be allotted to the support of the household of the president of Congress, including the salaries of the steward and private secretary, house rent and all other expences, shall not exceed a sum at the rate of eight thousand dollars annually.

Resolved, That the salaries of the following officers be reduced, and that from and after the present quarter,

The annual salary of the Secretary of Congress be at the rate of two thousand six hundred dollars.

That of the secretary of the United States for the department of foreign affairs, at the rate of three thousand five hundred dollars.

That of each of the commissioners of the board of treasury, at the rate of two thousand two hundred and fifty dollars.

That of the secretary of the board of treasury, at the rate of fifteen hundred dollars.

That of the treasurer, at the rate of twelve hundred and fifty dollars.

That of the comptroller of the treasury, at the rate of fifteen hundred dollars.

That of the auditor, at the rate of eight hundred dollars.

That of the deputy secretary of Congress, at the rate of eight hundred dollars.

That of the deputy secretary of foreign affairs, at the rate of eight hundred dollars.

That of the steward of the president's household, at the rate of three hundred dollars.

That of the private secretary of president, at the rate of three hundred dollars

And that of the geographer at the rate of fifteen hundred dollars for such time as he may be actually employed in the public service.

Resolved, That the services and duties of the paymaster general be, and hereby are united with those of the commissioner of army accounts, and that the said commissioner, after the expiration of the present quarter, be allowed in full for his services, as commissioner and paymaster general a salary at the rate of twelve hundred and fifty dollars annually.

Resolved, That in no case after the expiration of the present quarter, there be allowed to any person employed as an assistant or clerk in any of the departments under Congress, a salary exceeding the rate of four hundred and fifty dollars annually; and that no door-keeper or messenger, except those of Congress, be allowed more than one hundred and fifty dollars annually.

Resolved, That from and after the present quarter there be annually allowed to each of the commissioners of the continental loan office, in full for all services and duties which are or may be annexed to their respective offices, and also in full for office rent, clerks and every other charge except that of stationary, at the rate of the following sums:

For	New-Hampshire	six hundred and fifty dollars,
	Massachusetts	fifteen hundred dollars,
	Rhode-Island	six hundred dollars,
	Connecticut	one thousand dollars,
	New-York	one thousand dollars,
	New-Jersey	seven hundred dollars,
	Pennsylvania	fift en hundred dollars,
	Delaware	six hundred dollars,
	Maryland	one thousand dollars,
	Virginia	fifteen hundred dollars,
	North-Carolina	one thousand dollars,
	South-Carolina	eight hundred dollars,
	Georgia	six hundred dollars.

Provided that in those cases where, in the judgment of the board of treasury, the public interest may require the employment of one

or more clerks in any of the loan offices at the public expence, the said board be and hereby are authorised to continue in employ such clerk or clerks, not exceeding the term of three months after the expiration of the present quarter.

CHA. THOMPSON.
Sec'y.*

S. Ballets Observations on the Lehigh River, 1787.

Observations on the Lehigh River, The advantages which would result to the City of Philada., the Counties of Northumberland, Luzerne, Northampt. &c., from the Navigation thereof, & Roads to the Susquehannah.

Sir,

The River Lehigh discharges itself into the Delaware at Easton, & is by Nature Navigable for Boats of upwards of Twelve Tun's Burden in Halfe Freshes some distance above Northampton Town about Twenty odd miles from Easton, and Rafts of about Nine hundered Feet of Lumber come down from the Saw mills Near the Broad mountain, between Forty & Fifty miles from the Delaware along the course of the River. I supose the distance from the Delaware to the mouth of the Quakake along the Course of the Lehigh to be about Sixty miles. This is at the edge of the Great pine Swamp where the State High way laid out from the Gap of the mountain to Wyoming Crosses this River, about Eighty four miles from the city, Twenty-five from Wyoming & about Twenty from the Nescopeck falls of the Susquehanah, Where a good Road may be made with very small expence Considering the great advantage of Bringing the Produce from the Heads of the East & West Branches of the Susquehanah to this City with Twenty miles Land Carriage only. A sum of about Two Thousand Eight Hundred Pounds would be sufficient to Clear the Lehigh of every obstruction so as to make the Navigation safe for Boats & Rafts near Two Thirds of the Season. The sum of money Now appropriated towards making the Road to Wyoming, would make a good Waggon Road to the Gap of Quakake Hill & a Slay Road from thence to Wyoming. I suppose That Two Hundred or Two Hundred & Fifty pounds would make a very Good Road from the Quakake Hill to Nescopeck falls, which would be the Carrying Place for Both Branches of the Susquehanah. If the Navigation of Lehigh & the Roads to the Susquehanah were thus Improved I should be Warranted to say that the Produce even from the west Branch of the Susquehanah might be Bro't to Philad. 25 ℔ct. Cheaper than by any other route. Consequently the Farmers would find it their advantage to bring Their Produce to this City in preference to Baltimore or any óther market whatsoever, & keep up that intercourse between the Farmers of Pennsylvania & the

* See Col. Rec., Vol. XV., p. 192.

merchants of Philada. which is so esential To a Trading Country like our's. Much might be said on the advantages of Farming with Oxen instead of Horses, which Change only can be effected by Improved Inland Navigation. If the State would lay out a sum of Three or Four Thousand Pounds ℔ anm. which would be a Tax of about a Shilling on each Taxable Inhabitant, in a few years the Delaware, Lehigh & Schuylkill Rivers & the Road to the westward might be Improved in such a manner That the produce from the most Remotest parts of the State (Particularly that Improving part Between the East & West Branches of the Susquehanah) might be brought to this market with the greatest ease and much less expence than the present mode.

I have made the above observation from my own Knowledge & Experience of the Facts stated & should not hesitate one moment to enter into Contract to Clear the River Lehigh & make the Road before mentioned for the Estimated sums.

I have the Honor to be,
your Excellency's
most obedt. Hble. Servt.
STEPHEN BALLIET.*

Directed,
His Excellency, Benjn. Franklin Esqr.
Indorsed,
March 1787.

Secy. of Congress to Pres. Franklin, 1787.

Office of Secretary of Congress,
March 31st, 1787.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed an act of the United States in Congress assembled passed the 23d, for reducing the public expenditure and a state of the representation† for the present month, and am,

with the greatest respect,
your Excellency's, most obedient,
& most Humble servant,
CHA THOMSON.

Directed,
His Excellency The President of Pennsylvania.

* See pp. 133, 135, and Col. Rec., XV. p., 195.

† 6 States were represented on 3 days,
7 " " 2 "
8 " " 8 "
9 " " 6 "

Pennsylvania was represented every day, Messrs St Clair, Irwine, Meredith and Bingham were the representatives.

Timothy Pickering to Gen. Muhlenberg, 1787.—Road to Wyoming.

Philadelphia, April 5, 1787.

Dear Sir,

The Assembly having granted £150 for the purpose of opening a road from the mouth of Nescopeck Creek to the Lehigh (a distance of about three & twenty miles,) two persons will undertake to perform the work, if that sum can be appropriated to that use. They proposed getting an additional sum by subscription, to be called for if the public grant proved inadequate. But this seemed a beginning at the wrong end; and after a full consideration of the matter, I proposed the following plan of proceedure viz.

That application should be made to Council to appoint Evan Owen a *commissioner to explore, survey, & mark the best route for the road—and that Jacob Weiss should contract to open it, so as to render it fit for the passing of Waggons carrying a ton weight.

This proposal I made on this principle—That persons deeply interested in having the shortest and best road cut, would be the fittest to be employed to execute the work.

Mr. Owen is an intelligent man, and (I find on enquiry) a man in whom the public may repose great confidence. He owns a tract of land opposite the mouth of Nescopeck, which he has laid out into lots for a town, and has no *intermediate* interest. He, therefore pursuing his own interest will seek the shortest & best route; and is so solicitous to have the work done, that he has consented to undertake the trust; and as the public grant will probably be insufficient for opening a good road, he will perform the duty of *Commissioner & Surveyor, gratis;* the public only furnishing, out of the £150 granted, provisions and paying the hands necessary to be employed as chain carriers and markers, this service of his to come in place of the sum he would otherwise *subscribe* to the work.

Mr. Weiss has an interest near the *hither* end of the proposed road, and is equally anxious to have it opened. He will contract to do it, for the remainder of the £150, trusting to obtain by subscriptions what shall be requisite to complete the road, if that remainder should be insufficient.

Mr Owen will *explore & Survey* the road, & return a plan of it to Council, by the last of this month; and if the Council approve of it, Mr. Weiss will open it without delay; and he thinks he can complete it by midsummer; provided he can begin to work early in May and is furnished with a part of the money to lay in provisions &c.

I confess that I cannot conceive of a more eligibe mode of executing this business; and I hope it may be agreeable to Council 'Tis an object of great importance. At present the only way in which any necessary goods can be transported to the county of Luzerne, is

* See Col. Rec., Vol. XV., p. 195.—Also pages 132, 135 of this.

by land from Philadelphia to Middletown 98 miles, or to Harrisburg upwards of a hundred miles; and then by boats up the Susquehanah about 120 miles to Wyoming. This circuitous route is so expensive as to forbid the attempt to bring any produce form Wyoming to this city.

I trust this matter will appear to you deserving of the immediate attention of Council; and that the necessity of the measure, and the ease and certainty with which, in the the way above proposed, it may be executed, will be motives sufficient to induce Council to adopt it if it be *possible* to furnish the *money*, and I hope the circumstances of this case may warrant an extraordinary exertion.

I feel the greater solicitude on this subject, because I fear a direct road to Wyoming, (for which the Assembly granted £300) cannot soon be opened. The sum being double what is granted for the other road, cannot so conveniently be spared; and perhaps it will be proper to have another examination of the country before the route is fixed. When last at Wyoming I had good information that a road might be opened from thence to this city, without ascending or descending a single mountain; and that the part of it which would cross the Great Swamp would be easly made good; and yet that the distance would not probably exceed 110 or 115 miles.

I wished to have conversed with you on this business, & called this evening at your house; but you were not at home. If I could learn the opinion of Council upon it, before I set off for Wyoming, it would give me great pleasure & therefore I pray you to introduce it to-morrow morning.

I am respectfully sir,
your most obedt. Servt.

T. PICKERING.

General Muhlenberg.

Extract—Letter Ad'w Ellicott to V. P., Biddle—Northern Boundary, 1787.

Baltimore, April, 6th 1787.

Sir,

I have arranged my affairs in this state, and intend setting out for Philadelphia on the last of this month to assist in making such preparations as may be thought necessary to compleat the northern boundary this ensuing summer. In the mean time it may be advisable for Mr. William Armstrong* to procure the pack-Horses that may be wanting, and make the other preparations for conveying our

* See Col. Rec., XV., p. 190.

nstruments, &c., to Middletown. From that Gentleman's exertions ast season, I am induced to place much confidence in him this—— The Seneca Chiefs who attend on behalf of their nation, will expect wo rifled Guns, I remember speaking to you on this subject last all. * * * *

I am Sir

Your Hb'l Serv't,

AND'W ELLICOTT.*

Directed,

To Hon'ble Charles Biddle, Esqr., Philadelphia.

Favoured by Mr. S. Preston,

Timothy Pickering to Gen. Muhlenberg, 1787.

Philadelphia, April 7, 1787.

Dear Sir,

Since I saw you this afternoon, I have consulted with Col'o Denison on the subject of a road to Wyoming, and we are clearly of opinion that it will not be expedient to open one until the country is farther explored. We have such information as to induce us to believe that a road may be cut from the Water Gap of Lehigh to Wilkesbarre, without ascending or descending a single mountain; there being very practicable gaps in all the mountains which intervene; and the taking the advantage of those gaps, it appears to us, will not materially increase the length of the road; or whatever that increase may be, the greater facility of making & travelling the road, will more than counterbalance the greater length. On Mr. Balliots† route several bad mountains appear; & he passes them by many *detours*, or zigzag directions; and the making in such places a tolerable waggon road, will occasion a great expense; and tis an expense which will never have an end; for such steep roads are generally in bad condition, because every great rain will destroy what much labour has effected; and however well repaired, still the toil of horses & cattle in passing them is severe and perpetual. Whereas a road thro' a swamp or morass, when once well made, will last an age, and is passed with loaded teams with perfect ease. But what is called the Great Swamp is generally *hard ground;* and all the miry parts on the present route, (being what is called Sullivan's road,) which is by no means deemed an eligible one would not together exceed two miles. This is the opinion of a man who has passed it a hundred times. Can it admit of a

* See Col. Rec., Vol. XV., p. 190.

† See pages 131, 133.

question which is most expedient to make a two or four mile road over a mountain, & be subject to toil up & down it forever—or in the first instance to make a cause-way two miles long? We therefore hope that no more money may be expended on the road marked by Mr. Balliot, until on a further examination, it shall appear that none better can be found. When we are at Wyoming, we will endeavour to get farther information, and if possible, to engage proper persons to explore a new route. On my return from thence, I will give you whatever information we shall obtain.

Our solicitude on this subject arises from our sense of the importance of choosing the *best* route; because when once chosen & much money shall have been expended upon it, it will not be easy to alter it: a permanent improvement of such consequence, it would seem, should not be begun without a *thorough* examination.

In the mean time, it would be a matter of regret, if so fair an opportunity, as that suggested in my former letter of making the road to Nescopeck, could not be embraced.

I am dear Sir,

your most obed't servant,

T. PICKERING.

Directed,

General Muhlenberg.*

Petition to Council—Recording Deeds, 1787.

To The Supreme Executive Council of the State of Pennsylvania.

Gentlemen,

A Desire of communicating to your Honors, such Information, as we conceive would be of Utility to the inhabitants of this City & County; induces us to inform your Honors, that we are convinced it would be a great Convenience to them if they could have their Deeds, Mortgages &c., acknowledged in the Recorders Office where they must necessarily be lodged before they are recorded; This however salutary, cannot be done, untill the Recorder Mathew Irwin, Esq.,† is vested with Powers from your Honors: and as his Conduct in Office has given the greatest Satisfaction to the Citizens at large,

* He resigned as Commissioner of Claims in Luzerne Co., May 17.—See Col. Rec., XV., p. 214.

† See Col. Rec., Vol. XV., p. 192.

Ve take the Liberty of requesting your Honors to grant him a Commission of the Pleas.

We are (Gentlemen)
most Respectfully your
Honor's most Ob't H'ble Serv'ts,

Wm. Turnbull,	Patk. Moore,
David McCullough,	Robert Gray,
Blair McCenachan,	Charles Risk,
Robt. Paisley,	Rob't Bridges,
Joseph Carson,	Jno. Mifflin,
John Dunlap,	Jos. Mifflin.
John Taylor,	

Indorsed,
April 7th, 1787.

JOHN ARMSTRONG, JR., TO PRES. FRANKLIN, 1787.

Sir,

Your Excellency & Council will be pleased to accept my most respectful acknowledgments for the indulgence granted me by their Vote of this Morning. As pecuniary considerations have at no time entered into my motives to public action, I must beg leave to inform the board that should I go to Congress I shall feel myself obliged to apply the Sallery given me as Secretary, agreeably to its original intention, & of course to employ such additional Assistant as will prevent any neglect in the execution of the duty of that appointment.

I am, Sir,
With the greatest respect,
Your most obedient
& very humble servant,
JOHN ARMSTRONG, Jr.*
10th April, 1787. Philadelphia.

His Excellency, the President.

* He was appointed member of Congress—and Council granted him the privilege of attending to it, Ap. 10. Col. Rec., Vol. XV., p. 195.

LAND OFFICERS TO COUNCIL. VIRGINIA TITLES, 1787.

Philada., April 13th, 1787.

We beg leave to represent to your honorable Board that a certain Samuel Riddle and John Hill, both of Fallowfield Township, in the County of Washington, did on the 10th Instant, produce to us by way of information, two Patents for Lands lying in the County aforesaid, in this State, granted by the Commonwealth of Virginia as follows, Viz., one Patent to Vincent Calvin for 634 Acres in the County of Ohio, (formerly Yohogania) dated 4th December, 1786, for which he paid to the said Commonwealth the Sum of Three pounds 5s. Sterlg., with the fees of Office—signed *Edmund Randolph* & indorsed "Examined & Recorded," & countersign'd by John Harvie, Register Land Office.

One other Patent to Vinson Colvin for 299½ Acres situate as above, consideration One pound 10s. Sterling, with fees of Office dated March 8th, 1785, Signed Patrick Henry, and indorsed and countersigned as above.

As it appears to us highly improper that the Commonwealth of Virginia should grant Lands acknowledgedly within the Limits of this Government to our own Citizens, more especially when we reflect that this State and the said Commonwealth by their Commissioners respectively appointed for the purpose, had mutually concluded and signed an agreement, which was afterwards confirmed by Acts of the Legislatures of both States, in which agreement are the following remarkable words, "On condition that the private property and "rights of all persons acquired under, founded on, or recognized by "the Laws of either Country, previous to the date hereof, be saved "& confirmed to them, altho' they should be found to fall within "the other, and that in the decision of disputes thereon, preference "shall be given to the elder or prior Right, which ever of the said "States the same shall have been acquired under, such persons "*paying*, within whose boundary their Lands shall be included, the "same purchase or Consideration Money which would have been "due from them to the State, under which they claimed the right "& where any such purchase or consideration money hath since the "Declaration of American Independence been received by either State "for Lands, which according to the before recited agreement shall "fall within the Territory of the other, the same shall be reciprocally "*refunded* & *repaid*." And it appearing to us extremely injurious to the Revenues of this Commonwealth as well as a peculiar hardship to many of her Citizens that the Consideration money for these Lands should be paid into the Treasury of another State instead of our own, in direct violation of the foregoing agreement, we have therefore considered it our duty to lay this short detail of

Facts before you, in order that Council may take such steps in the premisses as to their wisdom shall seem meet.

We have the Honor to be,
Your most obedient
& very Humble Servants,
JNO. LUKENS,
DAVID KENNEDY,
FRAS. JOHNSTON.

It has frequently happened that Ill disposed persons have made clamours to the Government of Virginia, alledging that Pensy'a were deveating from the Compact, it has upon Enquiry proved ever otherwise; that it is now known to this Government that Contrary to Compact, people even East of the Territory, lately ceded to Penna. by Vir., Patents have been granted by Vir., that when these Titles comes to be disputed, the Claimants under these Titles will probably make Complaint to Vir.; this Intimation to Vir. will prevent uneasiness in that Government. In some of those Deeds the Land is said (on the face of the Deed) to be in Ohio County (formerly Yougha.) which proves that Virga. has been imposed on; for those lands are not in that part of Youghuagany County, which was afterwards annexed to Ohio County in Virga., but in that part of Yougha Cy. which is in Penna., Washington County. By this conduct Penna. looses the officers fee, which is part of the Revenue of the State, nor is Virga. bound to pay to Penna. any Monies Received as purchase Money, after the Compact was Comfirmed by Law.

Indorsed, Notes on the Land Officers report.*

John Nicholson, Com'r, to Pres. Franklin, 1787.—Mud Island.

Sir,

I beg leave to Report that agreeable to the directions of the Honorable The Council, I have agreed that the land at Billings' port shall be held and enjoyed by Anthony Dougherty and Thomas Hewit, jointly on a lease for seven years, and they are to have the use of buildings and rails that are now there; they on their parts agree to pay the Taxes accruing within that period and to pay for this year the sum of two pounds five shillings, and for the next six years the annual rent of four pound ten. At the end of their lease to leave 1000 Cedar rails on the place more than are now there, to take care of the Military Stores and public buildings that are there, that the same be preserved and to deliver it up at any time this Commonwealth may desire, it, they receiving such compensation

* The above paragraph appears to be the remarks of some individual on the preceding letter, there is no signature to it, and is written on a separate sheet, and in a different hand.

for their losses thereby, as three judicious and indifferent men may agree to allow them, and each of them to give good security for the performance of their covenants.

There have also been proposals made to me by sundry persons, who wish to take Mud Island, but not being empowered to make any agreement therefor ,I think it my duty to state them.

John Jones proposes good security to keep the banks up, he to receive £75, at present to repair them and to enjoy the profits thereof, afterwards for seven, eight or ten years, and to take care of the property of the state there intrusted to him, and to deliver it up at the end of his lease in good order.

John Rinker, who is recommended as an honest industrions man, by those in whose employ he hath been, proposes to take it for five years, he to enjoy all the profits thereof, and to receive £30 for the present year, and £10 every year afterwards, to deliver it up at the expiration of s^{d} term in good order; and Wm. Elijah Weed will become his security so far that the £30 now to be paid him shall all be applied to Repairing the banks; and

Lewis Rue also warmly recommended, proposes to take it for five or seven years, and to pay 100 dollars annual rent for the same, & to deliver it up at the expiration of the term, with the banks in good repair, to take care of the public stores there committed to his care. He to receive £100 the present year to repair the banks to be paid him as the same may be wanted therefor, to be accountable that the whole shall be applied to repair sd. Banks this year; and if they should not cost so much, to return the overplus. To be allowed the common use of the wharf on State Island to the Road for going and returning to Mud Island, and to give good freehold security, (*John Taylor*, viz. :) for the faithful performance of his part of The Covenant.

I have the Honor to be,
with high respect, your
Excelly's Obdt. Servt.,

Ap'l 14th, 1787. JNO. NICHOLSON.*

Directed,

His Excellency, Benjamin Franklin, Esq., Pres. in Council.

Extract—And'w Ellicott to V. P. Biddle, 1787.

Baltimore, April 16th, 1787.

Dear Sir,

This day two weeks I shall set out for Philadelphia to attend on the northern boundary, and do think it highly necessary that every thing should be done by the commissary that we may be enabled to

* See Col. Rec., Vol. XV., p. 198.

set out for Middle Town by the 7th day of May next. I have procured Horses for myself, in consequence of which I have been under the nessessaty of drawing upon Mr. Rittenhouse for the sum of sixty pounds, which I desire you would instruct him to pay; the draught is at sixteen days sight, and therefore not payable 'till after I shall have the pleasure of seeing you in Philadelphia.

I am, Sir,

Your Hbl. Servt.,

ANDW. ELLICOTT.*

Directed,

Hon. Charles Biddle, Esq., Philadelphia.

Resolutions of Congress, 1787.

By the United States in Congress assembled,

April 21st, 1787.

On a report of the board of treasury, to whom it was referred to report a plan for selling, for public securities, the townships surveyed in the western territory,

Resolved, That after the secretary at war shall have drawn for the proportionate quantity of the lands already surveyed, which were assigned to the late army, agreeably to the ordinance of 20th May, 1785, the remainder shall be advertised for sale in one of the newspapers at least of each of the states, and at the expiration of five months from this day, the sale of the land shall commence in the place where Congress shall sit, and continue from day to day until the same shall be disposed of; provided that none of the lands shall be sold at a less price than one dollar per acre, and that the sale shall be made agreeably to the mode pointed out by the ordinance aforesaid.

Resolved, That one-third of the purchase-money shall be immediately paid in any of the public securities of the United States, to the treasurer of the said states, and that the remaining two-thirds shall be paid in like manner in three months after the date of the sale, on which payment (a certificate thereof being previously furnished by the treasurer to the board of treasury) titles to the lands shall be given to the purchasers by the board of treasury, agreeably to the terms prescribed by the said ordinance; provided that if the second payment shall not be made in three months, as aforesaid, the first payment shall be forfeited, and the land shall again be exposed to sale.

Ordered, That the board of treasury take the necessary measures for carrying the aforesaid resolutions into effect, and also for exhibiting the surveys of the lands.

CHA. THOMSON,

Secr'y.

* See Col. Rec., Vol. XV., p. 202.

Resolution of Congress, 1787.

By the United States in Congress assembled,

April 21st, 1787.

On the report of a committee to whom was referred a report of the board of treasury on certain proposals for coining copper,

Resolved, That the board of treasury be, and they are hereby authorised to contract for three hundred tons of copper coin, of the federal standard, agreeably to the proposition of Mr. James Jarvis; provided that the premium to be allowed to the United States on the amount of copper coin contracted for, be not less than fifteen per cent. that it be coined at the expence of the contractor, but under the inspection of an officer appointed and paid by the United States.

That the obligations to be given for the payment of the copper coin to be delivered under such contract, be redeemable within twenty years after the date thereof, that they bear an interest not exceeding six per cent. per annum, and that the principal and interest accruing thereon be payable within the United States. That the whole of the aforesaid loan shall be sacredly appropriated and applied to the reduction of the domestic debt, of the United States, and the premium thereon towards the payment of the interest of the foreign debt.

CHA. THOMSON,
Secr'y.

Resolution of Congress, 1787.

By The United States in Congress Assembled.

April 23d, 1787.

Resolved—That the privilege of sending and receiving letters and packets free of postage, be extended to the Members of the Convention to be held in Philadelphia on the second Monday in May next, in the same manner as is allowed to the Members of Congress.

CHA. THOMSON, Sec'y.

John Nicholson to Pres. Franklin, 1787.

Sir,

I beg leave to Report, that According to The Terms of The Lease of Mud Island to Lewis Rue, the sum of One hundred pounds are to be Advanced for putting the same in good repair at present, and as several charges respecting the same have been already incurred

by said Rue, and the further prosecution of the s[d] work is to be immediately gone into by him, I pray that the sum of fifty pounds in part of said sum may be advanced to Lewis Rue aforesaid, on that account.

I have the honor to be,
with High respect, Sir,
your Excelly's Obed, servant,
JN[o] NICHOLSON.*

Compt. Gen[ls] Office, April 25, 1787.
His Excell'y Benjamin Franklin, Esquire, President.

Sec'y of Congress to Pres. Franklin, 1787.

Circular.
Office of Secretary of Congress,
April 25[th], 1787.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed, sundry resolutions passed since my last by the United States in Congress Assembled; One empowering the Board of Treasury to contract for the coining a certain quantity of Copper, a second for the sale of the Lands already Surveyed in the Western Territory, and a third extending the privilege of sending and receiving Letters and packets free of postage† to the members of the Convention to be held at‡ Philadelphia on the second Monday in May next.

With the greatest Respect,
I have the Honor to be
Your Excellency's most obedient
and Most Humble Servant,
CHA. THOMSON.

His Excellency The President of Pennsylvania.

John Skinner to Pres. Franklin, 1787.

Shippensburg, 2d May, 1787.

To his Excellency the governor and the Executive Council of the State of Pennsylvania. May it Please your Honours, to take the following Lines under your Consideration, and write an answer by Mr. Jno. Steinmetz who will take Care and send it to me. There was part of the Road Leading from Shippensburg to Clark's Gap,

* See page 142.
† See page 142. ‡ See page 117.

was Intended to be altered and made shorter & Better ground for the State Road, & it was not marked out by the Commissioners when on the ground, and now the Townships of Southampton, Lurgan & Lettereany, lying Between my Road & Shippensburg, Refuses to Cut and clear the Road through There Townships, without your Direction for that purpose. I pray that your Honors would be Pleased to appoint Mr. Matthew Henderson, Surveyor of Cumberland County & lives in Shippensburg to assist me in marking the Lines Through the Three Townships, untill it meets my Road on this side of the mountain for which your Honors will please to give the supervisors of said Three Townships a strick Charge to have the State Road oppened Through their Townships the way that the Surveyor will mark, as soon as Possible, as it will be a loss to the Public should it not be opened. I am going on with the Road as fast as possible, and has it half Done, but I am affraid I must stop for want of Money, Except your Honors will agree with Daniel Duncan of Shippensburg to Supply me with Cash untill I can get Dun, which will be about the last of August if not hindered for want of money, Indeed I should never been able to gon on as I have Dun had it not been for Mr. Daniel Duncan that supplied me with Cash for the first order and he was so unfortunate as to have it lost and as I am Informed has never been able to get the money untill this Day, & all the Letters that he has Reed. Respecting it agrees that it will be paid in paper money, that was not the kind of money I Reed. from Mr. Duncan for the order, Neither is it the kind I was to Receive from Council, for the Bargin was for Specie, know other sort will ever make a Road over these Mountains, and all that I am to Receive is too little for such work. I Beg that I may not be stoped. for want of money—Your Honors will Please to appoint proper Persons to view the Road that I have made and they will see that I have made the Road more than half and agreeable to my Contract with your Honors, I would be glad how soon the viewers was sent to the ground for the work is half Dun, I will take the liberty to say that it is a very good Road much Better than Ever was Expected for that small Quantity of money I am to do it for.

I am with great Respect your Honors,

Obedient Humble Servt.

JOHN SKINNER.

Directed,

To His Excellency the Governor and Council of Pennsylvania in Philadelphia.

To the Care of Mr. John Stimmitze Mercht.

Phineas Bond appointed British Consul, 1787.

By the United States in Congress Assembled, 3 May 1787.

Whereas, Phincas Bond Esquire has presented to the United States in Congress assembled, a Commission in due form, bearing Date the 5th April, 1786 from his Britannic Majesty, constituting and appointing him the Consul of his Majesty in the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and although no Commercial Treaty or Convention subsists between his Majesty and the United States, whereby either have a perfect Right to establish Consuls or Commissaries in the Dominions of the other, yet as the United States are disposed, by every proper mark of Liberality and attention, to promote a good Correspondence between the two Countries, and particularly as amicable negociations are now depending between them, therefore,

Resolved, That the said Phineas Bond Esquire, be, and he hereby is, received and recognized as the Consul of his Britannic Majesty throughout the States of New York, New Jersey, Pennsylvania, Delaware and Maryland, and that his Commission be registered in the Secretary's office.

Resolved, That all the Privileges, Pre-eminences and authority, which the Laws of nations and of the Land, give to a Consul received by the United States, from any Nation with whom they have no commercial Treaty or Convention, are due to, and shall be enjoyed by the said Phineas Bond as Consul for the five States above mentioned, and that certified Copies of these Resolutions be transmitted to the Executives of the said five States for their Information.

CHA. THOMSON, Secy.*

Secretary of Congress to Pres. Franklin, 1787.

Office of Secretary of Congress,
May 4th, 1787.

Sir,

I have the honors to transmit to your Excellency herewith enclosed an act of the United States in Congress assembled, passed 3d May, recognizing Phineas Bond Esq., as Consul of his Britannic Majesty for New York, New Jersey, Pennsylvania, Delaware and Maryland. With the greatest respect,

I have the honor to be,
your Excellency's most obedient,
& most Humble servt.
CHA. THOMSON.†

Directed,
His Excellency The President of Pennsylvania.

* See Col. Rec., Vol. XV., p. 215. † Ibid.

Ordinance for settling the accounts between the United States and Individual States, 1787.

By the United States in Congress assembled.

May 7, 1787.

An Ordinance for settling the accounts between the United States, and Individual States.

Be it ordained by the United States in Congress assembled, that five commissioners be appointed by the board of treasury, whose duty it shall be to go to the several states in the districts hereafter mentioned, for which they may be respectively appointed, for the purpose of stating the accounts of the states within those districts, against the United States.

That the states of New Hampshire, Massachusetts, Connecticut and Rhode Island, form one district. That the states of New York and New Jersey, form one district. That the states of Pennsylvania Delaware and Maryland, form one district. That the states of Virginia and North Carolina, form one district. And that the states of South Carolina and Georgia, form one district.

That it shall be the duty of the said commissioners respectively to receive of the states for which they are appointed, all their accounts and vouchers for payments made on account of bounties, pay and depreciation of pay, to the late army of the United States: and for advances to the militia, called out under the authority of the United States, and actually in their service, and to give descriptive acknowledgements thereof to the states from which they may be re-received, which accounts and vouchers shall be immediately forwarded to the commissioner of army accounts, whose duty it shall be to examine and pass such as are authorised by the resolves of Congress, and supported by proper vouchers; and to state such as may not fall under the above description, together with such remarks as may tend to elucidate the nature of these claims.

That it shall further be the duty of the said commissioners, to receive in like manner, the accounts and vouchers for monies paid, and supplies furnished on the requisitions of Congress, made previously to Oct. 1781, and to forward the same to the office of the comptroller of the treasury.

That it shall also be the duty of the said commissioners to receive and examine all the claims of the states to which they are appointed, against the United States for advances or disbursements by them made for the use of the late commissary, quarter master, cloathing marine and hospital departments, or under any other description whatsoever, to pass upon all such as are authorised by the resolves of Congress, and supported by proper vouchers, so far as it respects the evidence offered in support of the said claims, and to state such as are not thus warranted or supported, together with such remarks

as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers.

And be it further ordained by the authority aforesaid, that on all the accounts aforesaid interest shall be allowed at the rate of six per cent per annum, agreeably to the resolves of Congress.

And whereas it is essential to the welfare of the confederacy, that the accounts of the several states should be speedily adjusted: that this adjustment should be effected on uniform principles, and that provision should be made for allowing such advances or disbursements as may have been made by the respective states for the use of the union, although the same be not sanctioned by the resolves of Congress, or supported by regular vouchers.

Be it therefore ordained, That the several states be, and they are hereby limited to the space of six months for exhibiting to the proper commissioner, their claims against the United States, of whatever nature the same may be; and that such States as may neglect to exhibit the same within that period of time, after the commissioner has notified to the supreme executive thereof, that he is ready to proceed on the bussiness of his commission, shall be precluded from any future allowance; but shall nevertheless stand chargeable with all advances of money or other articles which may have been made to them respectively by the United States, and with whatever balance may be yet due on the several quotas of the general requisitions.

And be it further ordained, that the said commissioners of districts, shall within twelve months after they enter on the duties of their several appointments, repair to the place, where the United States in Congress may hold their sessions, with such accounts and vouchers as they may have in possession, and deliver the same to the Comptroller of the treasury, on which their commission shall terminate.

Be it further ordained, That a board, consisting of three commissioners be appointed by the United States in Congress Assembled, whose duty it shall be to receive from the Comptroller of the treasury, and from the commissioner of army accounts and claims of the several states deposited in the several offices, and to examine such of the said accounts, as shall have been passed by the commissioners of the several districts, in order that the same may be finally adjusted on uniform and equitable principles, having reference to the settlement of accounts heretofore made by the commissioners of the different states: Provided that such revision of the accounts abovementioned, shall not in any wise affect the validity of the vouchers admitted by the commissioners of the respective districts.

And be it further ordained, That wherever it shall appear to the said board of commissioners, that advances or disbursements, payments or supplies, of the description aforesaid, have been made by any of the states, subsequent to the 18th of April, 1775, for articles or services for the use of the United States, That the said commissioners be, and they are hereby vested with full power and authority to make such allowance for the same as they shall think consistent

with the principles of general equity, although such advances or disbursements may not be sanctioned by the resolves of Congress, or supported by regular vouchers, so as to enable the said commissioners to make a final adjustment of all the accounts subsisting between the United States and the several members thereof, agreeably to such quota as Congress shall hereafter determine.

And be it further ordained, That the determination of a majority of the aforesaid board of commissioners on the claims submitted to them shall be final and conclusive, and that their commission shall continue in force for one year and an half from the time of their entering on the duties of their office, unless sooner revoked by Congress.

And be it further ordained, That the pay of the commissioners of districts, shall be at the rate of twelve hundred and fifty dollars per annum; and that of their clerks at the rate not exceeding four hundred and fifty dollars per annum, each.

And be it further ordained, That every person employed, or to be employed in pursuance of this ordinance shall previous to entering on the duties of his office, take and subscribe an oath faithfully and impartially to perform the duties of the office to which he is appointed, certificates of which shall be deposited with the secretary of Congress.

And be it further ordained, That the ordinance of the 13th of October, 1786, entitled, "An ordinance for establishing a board to liquidate and settle all accounts between the United States and individual states," be, and it is hereby repealed.

Done, &c.

CHAS. THOMSON, Sec'y.

John Anstey to Sec'y of Council, 1787.

Mrs. Strickland's Lodgings, Walnut Street,
Philad^{a}, May 8th, 1787.

Sir,

In y^{e} regular pursuit of y^{e} Business with which I am charged in this Country, I took y^{e} liberty of applying to Gen. Armstrong, as secretary of y^{e} Council, for a Copy of a Document which I have understood can only be furnished from his Office—being "*Ye list of the names of all persons who have been proclamated by order of Council for their adherence to Great Britain during ye late War.*"

The General, to whom I have y^{e} honor of being known, immediately previous to his Departure for New-York, directed me to make application to you for y^{e} Document in Question, informing me at the same time that such a Document had lately been prepared in his office for another purpose* and that you would readily furnish me with a Copy of it. I accordingly waited upon you at y^{e} state house & took the liberty of making myself known to you.

* See Vol. X., pp. 79, 250.

You are probably not unacquainted with the approved object of my appointment in this Country, and will readily conceive y^e^ aid such an official paper will administer to me in the investigation of truth to y^e^ advancement of equal Justice

Upon my first arrival in this State, I applied to y^e^ President, who assured me I would meet with no difficulty in the Course of such inquiries, and directed me to make application, as of Course, to General Armstrong, as Sec'ry of y^e^ Council, who would suggest y^e^ propriety of a formal application to y^e^ Council *if it struck him as a necessary step.* The General not having hinted the necessity of such an application from me, but having directed me to you, I use the freedom of this letter accordingly, and am in hopes that your leisure will admit an early opportunity of favouring me with y^e^ Document in Question—and that you will readily excuse y^e^ trouble I give you upon this occasion.

I am, Sir, your most
obed^t^, Humble Servant,

JOHN ANSTEY.

To y^e^ under Sec'ry of y^e^ Council.

Indorsed,—Mr. Anstey to be furnished with the certificate requested.

C. B.

David Redick to Hon. Jonathan Hoge, 1787.

Washington, 14th May, 1787.

Hon^d^ Sir,

I got home safe and found my family well. I am perfectly restored to health.

The Indians have begun their depredations; about ten days ago they killed a Family at the Mouth of Fish Creek, which heads in this County and falls into the Ohio about 12 miles below the State line. Last Tuesday a Mr. Robt. Purday and his family was killed about 20 miles from this place, in Ohio County, Virg^a^. Mr. Purday's wife is still liveing, and it is hoped will recover of the Tomhawk & Scalping knife. The Indians, contrary to their former way of waring, attackeds 3 houses in the night without Firearms. The Discretionary Order to the County Lt. which I pray'd Council to grant last winter, is now much wanted. It is a verry hard Case to see our Neibours driven from their homes, and because they happen to be on the other side of the State line we cannot afford them any Relief; nor can we properly say *we* are invaded untill the enemy attacks, *and kills too,* on this side the line. This unhappy Situation puts me in Mind of an old law of the Provence of Pennsylvania, which prohibited any person from shooting at an Indian until the Indian should first shoot at him. I am sure it would be better for us to

fight the Enemy in Virginia than in our own State, and unless they are met and checked there, they will soon be upon us.

I cannot think that any unbecoming use would be made of the order I mention, and I would willingly hope that Council will now think it prudent to forward such an order to the Lieu^{t} of these three Western Counties—through you, Sir, it will come before the Council. I would have wrote to the President & Council on the Subject, but that the Bearer is on Tip toe, and time would be Necessary to take a Coppy & digest the Subject to fit it for them.

I wish to hear from the Vice Pres^{t}, how he is; please to present him my best wishes.

I am, Hon^{d} Sir, yours, &c.,

DAVID REDICK.

We are without Arms & Ammunition; perhaps Council could procure us some from the Continental Store at Pitt.

The high Sheriff of Ohio County came to town this Morning, and tells me that the people of that County is in the Utmost Consternation; that they are without Arms or Ammunition, and that if the Savages should continue their depredations they must, without some relief from us, be ruined. I believe we Could muster amongst ourselves nearly Firearms enough, but have no stores else, nor is there any powder to be got on purchase on this side the monntains as far as I can learn.

D. R.

Directed,

Hon^{ble} Jonathan Hoge, Esqr.

Memorial of Timothy Matlack, 1787.

Goal of the city & county of Philadelphia,
May 21, 1787.

Sir,

However unwilling to encroach on the time or attention of your Excellency, I feel the necessity of enclosing to you a Copy of one of four executions of one form, under which my body was on the first of the present month, seized by the Sheriff of this county, and at the suit of the state, held in custody to this time. Where a precedent has been found for these writs I am yet to learn; but am inclined to think it is not contained in the law records of a thousand years. They are, however, pretended to be founded on a *judicial* decision of the honorable *executive* body in which your Excellency presides, which, if made at all, has been made in my absence, and without notice of any kind to me or to any person whatsoever on my behalf. It is therefore of high importance to me, at least, if not to my fellow-citizens, to know with the utmost precision what have been the proceedings in this case before that board, that I may judge what

measures yet remain to be pursued by me in order to obtain justice therein. Without connexions of any kind with men in power, without any settled interest with either of the parties into which the people of the state are divided, and without money, I can plain enough perceive the difficulty and danger to a private citizen, which must attend a contest with the mighty powers said to be committed by law to the Comptroller-General, rendered still more formidable when his decisions have been "approved" by the whole executive authority of the state, and yet more abundantly so when this authority is known to have been exercised, and the approbation said to be given at a time when a man of your Excellency's most eminently distinguished patriotism presided in the Supreme Executive Council; yet I cannot, without every possible enquiry after the means of redress, bring myself silently to submit to what I feel to be injustice, however seemingly authorised by any expressions contained in the laws of the commonwealth, especially where they directly contradict and tend to violate the rights recently and solemnly recognised by the people, and expressed in plain and clear terms, as the principles on which the foundation of the Government has been laid; against which *no law*, however conceived, intended or expressed, can or *ought* to prevail.

The Convention of the people of Pennsylvania, over which also your Excellency presided with the highest reputation, has declared that the true end for which "all government ought to be instituted "and supported" is "the security and protection of the community "as such and to enable the *individuals who compose it* to enjoy "their natural rights," and among which that of defending their *liberty* is in the Declaration of Rights, with great propriety and wisdom placed next to and connected with that of life. And so highly did the people regard the trial by *jury in all cases* as a means of this defence, that not content with a full declaration that "Trials "shall be by juries as heretofore," but as if terms commonly used were not strong enough to express their solemn regard to this right, they have in the most dignified expressions declared that "it ought "to be held *sacred*." And again, as if no terms or turn of expression could be trusted in a case of such magnitude, the Constitution has solemnly "declared" the "Declaration of Rights" to be a part of the Constitution "which ought never to be violated on *any pre-* "*tence whatever*."

Yet, Sir, so singular has been my fortune in the political world, that I have had sentence against me in two great cases, as I conceive, in direct and open violation of this SACRED RIGHT.

The one in a vote of the General Assembly, entered into as the Council of Censors have expressed it,* "without a hearing, without a "charge, and without a trial," and a succeeding General Assembly, upon mature deliberation, solemnly rescinded the vote; and to add to the strangeness of the thing, an examination into the facts alledged

* See Vol. X., 9, 363, 365.

as the foundation of that violent and iniquitous measure, they have been found to be totally and absolutely false.

The other instance is the Case in which I have now the honor to address your Excellency, in which as my information stands, the Supreme *Executive* Council have exercised ex parte a *judicial* authority; This much, however, is certain, that the business has been so conducted by the Comptroller General that a claim of mine which I conceive to be legal, against the state, to the amount of one thousand and five hundred pounds and upwards on one account only, besides divers others, has been "rejected without a hearing before him, or before the Supreme Executive Council, and without a possibility during the whole of the transaction by any act in my power, within the words of the law, to obtain a trial thereon before a Court and jury." And although those four executions have issued and been served upon me, and no act or neglect of mine has been committed by me, which in reason and justice can be construed to have destroyed the right of trial by "jury," this right yet remains, however difficult it may be to obtain the exercise of it, and it appears to me a duty which I owe to myself, to my distressed family, and may I add, to my fellow citizens, to persevere in a *demand* of that right.

I have been told that there is great probability that on application I may, as *of favour*, be indulged in a trial by jury; but Sir, may I be permitted, without offence, to ask, What am *I*, or what is *any citizen* of this state, if any man or set of men whatever, may grant or withhold *at their pleasure* in any case, a right of such importance so recently & solemnly recognized, asserted and assured to us, as that of the "sacred" right of trial by jury has been? Surely not Freemen; but degraded Vassalls or slaves! And what are the laws, and by whom have they been made, by which, in any possible case, a citizen may be deprived of this "sacred" right? They do not, they cannot possibly exist, and I conceive it to be treason against the people to assert the contrary.

What crime then have I committed for which I alone may be compelled *to ask as favour* what every other citizen may *demand of right?* There is none, Sir, even pretended against me.

I may, indeed, have erred in relying too confidently on public faith for reward of intended services; or my abilities may have fallen short in the performance of the high and exceedingly varied duties, to which in the times of the greatest danger, the public voice has called me; but I am bold to say, no man has had more zeal in the common cause or exerted more fully to their utmost extent the abilities God has given than I have done throughout the great contest for liberty. But these exertions, such as they were, have been made with the spirit of a freeman, disdaining to be the tool of any man or party, and constantly aimed to suppress measures which appeared dangerous to the people, and support such as tended to their safety, without regarding by whom they were suggested.

When the impossible project of regulating prices was attempted

the infatuation seemed to be general, and a large committee was elected to enforce it, Mr. Fitzsimmons, the only man of the number from whom I expected the smallest assistance in opening the eyes of the people to their danger (for he seemed to be the only man among them that then saw it) very soon retired hopeless from the task, leaving me alone to oppose that dangerous measure, infatuating and popular as it then was. The insults which were offered me on that occasion from every quarter, are known to very few; but the event is known to all, and it is not presuming to say, that a cool, firm opposition from one man, saved the city from the distress which that mad project had otherwise suddenly brought upon it. When the Bank was projected by Mr. Morris the contentions and resentments between parties and among individuals were at the highest, it was opposed by the leading men of that party to which it was supposed I leaned; yet although I saw its tendency to favour the monied and trading interest of the state, and foretold the contest which has since arisen out of it, considering it as the best means of defence left us, my feeble efforts were honestly joined in its support. What at that time were my sentiments of its effect on myself may best be learned from my reply to a kind compliment of a friend immediately after my election among the first directors. It was in these words, "It is indeed an honor, perhaps circumstances con-"sidered, the highest of my life; but remember that I tell you, it "will prove also the greatest injury." I did my duty and the event fulfilled the prophecy. I had offended both parties, one of them demanded and the other gave me up a sacrifice; but I reverently thank God, that whatever it may do now, the fire would not then kindle upon me.

But Sir, I do not mention these things as claiming reward for them, for even in my present distress I would disdain them; but only as evidence of the independence of my conduct on trying occasions.

In my present situation, painful as it is to my family, I feel some consolation from a strong confidence in your Excellency's acknowledged attachment to the rights and interest of men, and hope for a compliance with the request I now make, of full and precise information of the manner in which my accounts and claims have been laid before the board at which you preside, and a statement of the facts presented by the Comptroller General, the mode in which they have been investigated, and the principles on which my claims against the state have been rejected. These are indispensibly necessary to a fair enquiry after the means of redress; and if after every effort has been made, no redress in the present state of the laws can be obtained, they will enable me to show the people, that although a remedy cannot be had, the right remains—and it will the better enable me to state to them my case without material error or omission, and thereby convince them that I have not suffered the precedent of a violation of this great right to be established, without that

persevering opposition which every citizen, when attacked, is bound to make against the insolent strides of assumed or perverted power.

It will, no doubt, occur to Your Excellency as a short, plain answer to this request, that an application to the Secretary of Council will obtain me a Copy of their proceedings in any case which concerns me, and in an ordinary case it might serve the purpose of answer and just reproof; but in the present extraordinary one the application will obtain more regard, and the rather as from what I have been able to learn of these proceedings, I may well suppose that the entry in all such cases on the Council books is at least as concise upon them as the sus. per. col. in some law entries upon sentence of death on a murderer; but with this difference in his favour, that before the dreadful order was made he had been allowed a trial by his peers.—And if indeed the approbation has been given and is *no more than a mere formality* without information or enquiry. I hope to obtain an explicit declaration of the fact.

I have the honour to be,

With the highest respect,

Your Excellency's most obedient,

And very humble servant,

T. MATLACK.*

—

(Copy.)

Philadelphia County, ss.

[SEAL.]

The Commonwealth of Pennsylvania to the Sheriff of Philadelphia County, greeting.

Whereas it is certified to us by John Nicholson, Esquire, our Comptroller General, that Timothy Matlack, Esquire, is indebted to the state of Pennsylvania in the sum of thirty-six pounds thirteen shillings and four pence lawful money of Pennsylvania, and that the said Timothy Matlack hath refused and neglected to pay the said sum of money to our Treasurer of this Commonwealth, although he hath been thereunto required. Therefore we command you that the goods and chattels of the said Timothy Matlack, in your bailiwic, without delay you seize and distrain so that the said Timothy may be compelled to pay and discharge the said sum of thirty-six pounds thirteen shillings and four pence money aforesaid, together with costs and charges in this behalf laid out and expended, and unless the said debt, costs and charges shall be fully paid and satisfied within thirty days after such distress made, that you sell the same goods and chattels to satisfy and discharge the said debt, costs and charges, and in case no personal property of the said Timothy sufficient to discharge the debt, costs and charges aforesaid can be

* See Col. Rec., Vol. XV., p. 220.

found in your bailiwic, then we command you that of the lands and tenements of the said Timothy, in your bailiwic, you cause the said debt, costs and charges to be levied and made. And if so much of the goods and chattels, lands and tenements of the said Timothy in your bailiwic, cannot be found, then we command you that you take the body of the said Timothy Matlack, and him safely keep in the Goal of the county aforesaid. And how you shall execute this Writ make known to Us and to our Comptroller General on the sixth day of June, and have then this writ at the office of the prothonotary of our Court of Common Pleas of said county. Dated at Philadelphia, April fourteenth, one thousand seven hundred & eighty-seven.

J. B. SMITH.

Common Wealth *v.* Timothy Matlack, Rt'ble June 6th, 1787. Att'y Gen'l.

Indorsed,

122, the 4th.

1787, April 14, five o'clock, P. M.

Board of Treasury to Pres. Franklin, 1787.

Circular.

Board of Treasury, May 25th, 1787.

Sir,

We do ourselves the honor of transmitting to Your Excellency for the information of the Legislature of the State in which you preside, an ordinance of the United States in Congress of the 7th Instant, for the speedy and effectual settlement of the Accounts depending between Individual States and the United States.*

The Interest of the State as well as that of the Union are so materially involved in the completion of this object, that we entertain the fullest confidence that every measure will be adopted by the Government for facilitating the execution of this Business

The Commissioner appointed for the District in which the State of Pennsylvania is included, is directed to give seasonable notice of the time when he will attend in person, or send on a proper clerk to receive and examine such accounts, and Vouchers as the State may be ready to furnish; and as the several States are limited by the Ordinance to a period for exhibiting their respective claims against the Union (of whatever nature the same may be;) we doubt not

* See page, 146.

they will be impressed with the importance of losing no time in bringing forward their Accounts.

We have the honor to be, with great respect,
Your Excellency's most Obedient & Hble. Servts.,

SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

Directed,

His Excell'y, The President of the State of Pennsylvania.

Col. Andrew Porter to Council, 1787.

Norristown, May 25th, 1787.

Gentlemen,

I beg leave to inform Council that to-morrow I expect to proceed on my Journey to join the other commissioners appointed to extend the Northern boundary of the State, and as we are determined, if possible to compleat it this season, we shall no doubt be detained from our Families until late in the fall, before which time my Family will require a supply of cash; and as I have advanced a sum to the commissary, which I have no prospects of having replaced before I set off, I must therefore request the favour of Council to grant an order in my favour for One Hundred pounds.

I am, with respect, Gentlemen,
Your Obedient Servant,
ANDREW PORTER.*

Directed,

His Excellency, the President and Supreme Executive Council, Pennsylvania.

Col. Thomas Hartley to V. P. Biddle, 1787.

York Town, June the 4th, 1787.

Dr. Sir,

I was very sorry to hear of the accident which befel you, but I hope by this time you are fully recovered.

You in a former Letter desired to know somewhat of the Dispositions or designs of the Rioters of this County; as this was difficult to be understood or known; I could not give you that satisfaction I could wish, until very lately.†

I believe that by the prudent and firm conduct of the Court at the late Assisses, Peace and good Order are re-established. The Offenders seem very much ashamed and distressed for their Conduct, and I trust all things will do well.

* See Col. Rec., Vol. XV., p. 220.

† See page 114.

A select Corps of Light Infantry is intended to be raised in this Town to be composed of some firm and good citizens. The Major of the Militia Battalion or a Mr. Johnston, who was in the regular service will Command the Company. The measure will be of service to the Public and useful to discipline, but they are without Arms, and they cannot be procured here; some persons in Behalf of the company will apply to Council for Arms and Accoutrements. I should humbly apprehend that it would be proper for Council to let them have 50 stands; they will, I am told, give a receipt for them and be accountable.

I hope we shall have no more Riots, but if by bad advice or mistake any Tumult should happen, these Arms would be of great use.

And am, Dr. Sir,
with great regard &
Respect your most
obedient Hble. Servt.,
THOS. HARTLEY.

Directed,
The Honble Charles Biddle, Esq., Vice President at Philad'a.

Capt. And'w Johnston to Council, 1787.

To the Honorable the President & Supreme Executive Council of Pennsylvania, at Philadelphia.

As a number of respectable Inhabitants of York Town have formed themselves into a Company and have been at the expence of providing uniform, and it being impossible to procure any Arms in this Place, request Council to grant them fifty Stand of good Arms with Accoutrements compleat, for which a receipt will be given, and be liable to the call of Council.

And that the State may be at no expence in sending those Arms, we agree to pay the Carriage ourselves.

Signed in behalf of the Company,
ANDREW JOHNSTON,
Capt.

Should Council be so good and grant the above request, the arms, &c. shall acct. for, by

WM. SCOTT,
C. Lt.

York, June 5th, 1787.

Directed,
To the Supreme Executive Council of Pennsylvania at Phil'a.

Certificate respecting State Road, Cumberland Co., 1787.

We the subscribers, who had by order of the Supreme Executive Council of the 23d of November last, been appointed & authorized to execute the Contract on the part of the State with John Skinner* for making that part of the State Road included between the east side of Clark's Gap & the burnt Cabbins, do hereby certify, That at the request of said Skinner we have lately viewed his work done at the Place aforesaid, and are of opinion that there is now more than one half of the work done towards compleating said Road agreeably to his Contract. We further observe that the work by him already perform'd is extended through the most difficult Parts of the whole, and is (excepting in some few Places where it will yet be necessary to bestow some more labour) we humbly conceive, made in so far, agreeably to his Contract, so as to intitle him to receive his second Payment.

Certified this 14th Day of June, 1787.

MATHW. HENDERSON,
JOHN REYNOLDS.

Directed,

His Excellency the President & the Honorable the Supreme Executive Council of Pennsylvania.

John Skinner to Council, 1787.

To the Honerabel Executive Council, may it Plese your Honers as I John Skinner of Francklin County have Gon throw the fust part of my Bargain in making that Part of the State Road I undertuck for the Six Hundred pounds speises, and as I am now in grat wont of the seikend gail so as the work may go on and as Mister Henderson and Rinnels Esqrs, Has vewed the Rowd and Duss alow me to Be in Tyteled there to, so I shall hope yours Honors will faver me with it By the hand of Capten William Rippe or sum safe hand, so I conclude my self your Honers very Humble servent.

JOHN SKINNER †

June the 13 day, 1787.

N. B. Mister Smille one of the Council has seen the work I Did and can inform you all so.

* See page, 92.
† See Col. Rec., Vol. XV., p. 227.

Timothy Pickering to Pres. Franklin, 1787.

Philad. June 25th, 1787.

Sir,

The Justices of the Peace for the County of Luzerne are destitute of the laws of the State. It seems that heretofore Justices of the Peace have been furnished with the laws at the expence of the State, the Justices of Luzerne have expressed their hopes that they may be supplied in the same way, and requested me to make the application in their behalf. I beg leave to express my hopes also, that they may be so furnished; otherwise I fear they will, for the most part, remain unprovided, & the laws unexecuted. At the same time it is proper that I should add, that there was manifested a general disposition to conform to the laws, with great punctuality and many were solicitously enquiring what were the laws in particular cases, that they might not transgress them.

I have the honor to be,

Sir, your Excellency's most obedt. servant,

T. PICKERING.

His Excellency the President of the State.

Commissioners on Connecticut Claims to Pres. Franklin, 1787.

Philadelphia, June 29, 1787.

Sir,

As the examination of the Connecticut Claims to lands in the county of Luzerne will be of several months continuance, and we may not return hither untill the business shall be accomplished, we are desirous of receiving some part of our pay in advance, and if this shall be thought proper by Council, we request such grants may be made to us and Mr. Evans, (whom we have appointed our Clerk) as Council shall judge expedient.

The law for confirming the lands of the Connecticut Claimants required that it should be published in the news-papers of Connecticut. But there are divers claimants under Connecticut, who live in the State of New York; and other Claimants under Pennsylvania who live in New Jersey. We submit to the consideration of Council whether it is not expedient to cause the law to be published in one of the news-papers of each of those States. It may supersede applications which may hereafter be made for allowing further time

to make their claims, under pretence that they were not informed of the law

We are respectly sir,
yor. most hble. Servants,
T. PICKERING,
DAN. HIESTER, Jr.,* } Commissioners.
STEPHEN BALLIET.† }

Directed,

His Excellency the President of Pennsylvania ‡

Memorial—Chas. Simms to Council, 1787.

To his Excellency the President and Supreme Executive Council of of Pennsylvania.

The Memorial of Charles Simms respectfully represents that your memorialist in the year 1775, purchased of Alexander Ross, of Pittsburgh, Two thousand and Twenty two acres of land situate on the River Ohio and Raccoon Creek, about Twenty Miles below Pittsburg, and also purchased of the said Ross Nine hundred and thirty-nine Acres of Land, adjoining the before mentioned Lands, the property of William Dunbar, of Manshac Settlement, on the Mississippi River, which last mentioned Tract the said Alexander Ross sold to your Memorialist, as Attorney in fact for Wm. Dunbar, which said Land was part of the Tracts of Land Granted by the Chiefs of the Six Nations to George Croghan, by Deed bearing date the fourth day of November, 1768. Your Memorialist at the time he made the purchase gave his Bonds, payable at a future day, to the said Alexander Ross, for the amount of the purchase money of both the Tracts before mentioned.

Your Memorialist further represents that some time in the year 1776 Alexander Ross left Pittsburg and went into some part of the British dominions, where he has continued ever since, as your Memorialist is informed and believes.

That in the year 1777 the Assembly of Virginia passed an Act, declaring all Titles derived from Indians to Lands within the limits of that State to be void, which of course destroyed your Memorialist's Title to the Lands purchased from Ross and Dunbar, if it lay within the limits of Virginia; If within the limits of Pennsylvania the Title was null and void by a Proviso contained in the Grant from the Six Nations to Croghan. As the Consideration for which your

* He was elected in room of Gen. Muhlenberg May 22, but resigned July 19, 1787, and Wm. Montgomery elected July 23. Col. Rec., XV. p., 214, 217, 237, 245, 248.

† Appointed in room of Joseph Montgomery, June 1st.—See Col. Rec., Vol. XV., p. 221.

‡ Col. Rec., Vol. XV., p. 237.

Memorialist gave his Bonds to Alexander Ross had thus failed, your Memorialist considered himself exonerated from the payment thereof.

Your Memorialist farther represents that the aforesaid Bonds fell into the hands of the Commissioners of confiscated property for Westmoreland County, who obtained an attachment for the amount of the Bonds against your Memorialist, which was lay'd on a Tract of Land belonging to your Memorialist in Washington County, the right to which your Memorialist acquired under the Laws of Virginia, and the Survey of which is now in the Surveyor General's Office of this State, upon which attachment a Judgment was obtained against your Memorialist, and a Venditioni Exponas issued thereupon, before your Memorialist knew that the aforesaid Bonds were in the hands of the Commissioners or within the State of Pennsylvania, tho' your Memorialist was well known to several, if not to all of the Commissioners. Your Memorialist by mere accident hearing of the proceedings against him last fall, attended the Court of Washington County, and on entering his appearance to the attachment, the Judgment and Execution were set aside.

Your Memorialist has reason to believe that the Commissioners proceeded against him in the manner above related without the Sanction or direction of the Executive Council of this State, and flatters himself that they will put a stop to any farther proceedings against him on the aforesaid Bonds, for the following reasons: Because Alexander Ross and William Dunbar had no Title to the Lands which your Memorialist purchased of them, and for which the aforesaid Bonds were given, therefore, to enforce the payment of tham would be unjust and unequitable.

Secondly. Because your Memorialist ever was an Inhabitant and Citizen of Virginia, the said Alexander Ross at the time the Bonds were given, also lived under the Government of Virginia, and continued under the Jurisdiction of that State until he went into the British Dominions, as before mentioned. And your Memorialist humbly conceives that if he was Justly indebted to Alexander Ross that the State of Pennsylvania could not be entitled to the debt in consequence of his attainder. As the right acquired by a State in consequence of attainder can only extend to property within its own limits and Jurisdiction, and a debt is attached to the person of the debtor and must be considered as a right or property which the Creditor has within the Country where the debtor resides.

Whether the State of Pennsylvania in consequence of the attainder of Alexander Ross is entitled to and can enforce the pay ment of debts due to him from Citizens of Virginia is a question which has relation to the Jurisdiction and Rights of Government of the two States and therefore, in the opinion of your Memorialist, can only be discussed and settled with propriety by the Legislative or Executive Powers of the respective States—impressed with this opinion, your Memorialist presented to the Governor and Council of Virginia a

Memorial on the same subject with the present, which was transmitted by them and lay'd before the Executive of this State.

Your Memorialist cannot help observing that to be compelled to attend the determination of a suit which the Commissioners have instituted against him in a Court more than Three hundred miles distant from his place of residence, is greatly oppressive. That at the time Alexander Ross and your Memorialist contracted for the aforesaid Lands they considered themselves as Citizens of Virginia, and if any dispute should arise between them in consequence of the Contract that it would of course be Tryed and determined in the Courts of that State where a Judgment wrongfully obtained at Common Law may be enjoined in a Court of Chancery, and the party called to declare, upon Oath, all circumstances respecting the matter in dispute, which, perhaps, could not be made appear by any other means; but in the State of Pennsylvania there is no Court of Chancery and of course your Memorialist supposes no way to compel a Discovery of facts which may rest in the knowledge of the party only. Finally, your Memorialist confiding in the Wisdom and Justice of your Hon'ble board, submits his case to your consideration, and prays your Interposition, and will ever pray, &c.

CH. SIMMS.*

Philadelphia, July 12th, 1787.

Indorsed,

Read in Council, July 12th, 1787, and Ordered to be referred to the Hon'ble, The Judges of the Supreme Court,† and the Attorney General, for their opinion on the Case.

Having considered the within petition, I beg leave to report to the hon'ble, the Supreme Executive Council, That I am of opinion, an action is maintainable in our Courts at the suit of the Commonwealth, against the Memorialist, upon the Bond given by him to A. Ross before his attainder, and that the Memorialist's residence out of the State cannot be pleaded in bar or abatement. But if it shall appear that the bond was obtained by fraud, or without consideration, he will receive in our common law Courts the same relief which he could obtain in a court of Chancery.

WM. BRADFORD, Jun.

Ordinance for Government of North-West Territory, 1787.

An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio.

Be it ordained by the United States in Congress assembled. That the said territory, for the purposes of temporary government, be one

* See Col. Rec., Vol. XV., p, 242. † Not found.

district; subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates both of resident and non-resident proprietors in the said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of a deceased child in equal parts; the descendants of a desceased child or grand-child, to take the share of their desceased parent in equal parts among them: And where there shall be no children or descendants, then in equal parts to the next kin, in equal degree; and among collaterals, the children of a deceased brother or sister of the intestate, shall have in equal parts among them their deceased parents share; and there shall in no case be a distinction between kindred of the whole and half blood; saving in all cases to the widow of the intestate, her third part of the real estate for life, and one third part of the personal estate; and this law relative to descents and dower, shall remain in full force until altered by the legislature of the district.——And until the governor and judges shall adopt laws as herein after mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her, in whom the estate may be, (being of full age) and attested by three witnesses;—and real estates may be conveyed by lease and release, or bargain and sale, signed, sealed, and delivered by the person being of full age, in whom the estate may be, and attested by two witnesses, provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrates, courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery, saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincent's and the neighbouring villages, who have heretofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

Be it ordained by the authority aforesaid, That there shall be appointed from time to time, by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the district, and have a freehold estate therein, in one thousand acres of land, while in the exercise of his office.

There shall be appointed from time to time, by Congress, a secretary, whose commission shall continue in force for four years, unless sooner revoked, he shall reside in the district, and have a freehold estate therein, in five hundred acres of land, while in the exercise of his office; it shall be his duty to keep and preserve the acts and laws passed by the legislature, and the public records of the district, and the proceedings of the governor in his executive department; and transmit authentic copies of such acts and proceedings, every six months, to the secretary of Congress: There

shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their offices; and their commission shall continue in force during good behaviour.

The governor and judges, or a majority of them, shall adopt and publish in the districts, such laws of the original states, criminal and civil, as may be necessary, and best suited to the circumstances of the district, and report them to Congress, from time to time, which laws shall be in force in the district until the organization of the general assembly therein, unless disapproved of by Congress; but afterwards the legislature shall have authority to alter them as they shall think fit.

The governor for the time being, shall be commander in chief of the militia, appoint and commission all officers in the same, below the rank of general officers; all general officers shall be appointed and commissioned by Congress.

Previous to the organization of the general assembly, the governor shall appoint such magistrates and other civil officers, in each county or township, as he shall find necessary for the preservation of the peace and good order in the same. After the general assembly shall be organized, the powers and duties of magistrates and other civil officers shall be regulated and defined by the said assembly; but all magistrates and other civil officers, not herein otherwise directed, shall during the continuance of this temporary government, be appointed by the governor.

For the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof—and he shall proceed from time to time, as circumstances may require, to lay out the parts of the districts in which the Indian titles shall have been extinguished, into counties and townships, subject, however to such alterations as may thereafter be made by the legislature.

So soon as there shall be five thousand free male inhabitants, of full age, in the district, upon giving proof thereof to the governor they shall receive authority, with time and place, to elect representatives from their counties or townships, to represent them in the general assembly; provided that for every five hundred free male inhabitants there shall be one representative, and so on progressively with the number of free male inhabitants, shall the right of representation increase, until the number of representatives shall amount to twenty-five, after which the number and proportion of representatives shall be regulated by the legislature; provided that no person be eligible or qualified to act as a representative, unless he shall have been a citizen of one of the United States three years and be a resident in the district, or unless he shall have resided in the district three years, and in either case shall likewise hold in his own

right, in fee simple, two hundred acres of land within the same:—Provided also, that a freehold in fifty acres of land in the district, having been a citizen of one of the states, and being resident in the district; of the like freehold and two years residence in the district shall be necessary to qualify a man as an elector of a representative.

The representatives thus elected, shall serve for the term of two years, and in case of the death of a representative, or removal from office, the governor shall issue a writ to the county or township for which he was a member, to elect another in his stead, to serve for the residue of the term.

The general assembly, or legislature, shall consist of the governor, legislative council, and a house of representatives. The legislative council shall consist of five members, to continue in office five years, unless sooner removed by Congress, any three of whom to be a quorum, and the members of the council shall be nominated and appointed in the following manner, to wit: As soon as representatives shall be elected, the governor shall appoint a time and place for them to meet together, and, when met, they shall nominate ten persons, residents in the districts, and each possessed of a freehold in five hundred acres of land, and return their names to Congress; five of whom Congress shall appoint and commission to serve as aforesaid; and whenever a vacancy shall happen in the council, by death or removal from office, the house of representatives shall nominate two persons, qualified as aforesaid, for each vacancy, and return their names to Congress; one of whom Congress shall appoint and commission for the residue of the term; and every five years, four months at least before the expiration of the time of service of the members of Council, the said house shall nominate ten persons, qualified as aforesaid, and return their names to Congress, five of whom Congress shall appoint and commission, to serve as members of the council five years, unless sooner removed. And the governor, legislative council, and house of representatives, shall have authority to make laws in all cases for the good government of the district, not repugnant to the principles and articles in this ordinance established and declared. And all bills having passed by a majority in the house, and by a majority in the council, shall be referred to the governor for his assent; but no bill or legislative act whatever, shall be of any force without his assent. The governor shall have power to convene, prorogue and dissolve the general assembly, when in his opinion it shall be expedient.

The governor, judges, legislative council, secretary, and such other officers as Congress shall appoint in the district, shall take an oath or affirmation of fidelity, and of office, the governor before the president of Congress, and all other officers before the governor. As soon as a legislature shall be formed in the district, the council and house, assembled in one room, shall have authority by joint ballot to elect a delegate to Congress, who shall have a seat in Con-

gress, with a right of debating, but not of voting during this temporary government.

And for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws and constitutions are erected; to fix and establish those principles as the basis of all laws, constitutions and governments, which forever hereafter shall be formed in the said territory;—to provide also for the establishment of states, and permanent government therein, and for their admission to a share in the federal councils on an equal footing with the original states, at as early periods as may be consistent with the general interest:

It is hereby ordained and declared by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to wit:

Article the First. No person, demeaning himself in a peacable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments in the said territory.

Article the Second. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law: all persons shall be bailable unless for capital offences, where the proof shall be evident, or the presumption great; all fines shall be moderate, and no cruel or unusual punishments shall be inflicted; no man shall be deprived of his liberty or property but by the judgment of his peers, or the law of the land; and should the public exigencies make it necessary for the common preservation to take any person's property, or to demand his particular services, full compensation shall be made for the same;—and in the just preservation of rights and property it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall in any manner whatever interfere with, or affect private contracts or engagements, bona fide and without fraud previously formed.

Article the Third. Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights, and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall from time to time be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

Article The Fourth. The said territory, and the states which may be formed therein, shall forever remain a part of this confed-

eracy of the United States of America, subject to the articles of confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory, shall be subjected to pay a part of the federal debts contracted or to be contracted, and a proportional part of the expences of government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other states; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts or new states, as in the original states, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new states, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other states that may be admitted into the confederacy, without any tax, impost or duty therefor.

Article the Fifth. There shall be formed in the said territory, not less than three nor more than five states; and the boundaries of the states, as soon as Virginia shall alter her act of cession and consent to the same, shall become fixed and established as follows, to wit: The western states in the said territory, shall be bounded by the Missisippi, the Ohio and Wabash rivers; a direct line drawn from the Wabash and Port Vincent's due north to the territorial line between the United States and Canada, and by the said territorial line to the lake of the Woods and Missisippi. The middle state shall be bounded by the said direct line, the Wabash from Post Vincent's to the Ohio: by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern state shall be bounded by the last mentioned direct line, the Ohio, Pennsylvania, and the said territorial line: Provided however, and it is further understood and declared, that the boundaries of these three states, shall be subject so far to be altered, that if Congress shall hereafter find it expedient, they shall have authority to form one or two states in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of lake Michigan: and whenever any of the said states shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in

all respects whatever; and shall be at liberty to form a permanent constitution and state government; Provided the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the state than sixty thousand.

Article the Sixth. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in punishment of crimes whereof the party shall have been duly convicted: Provided always, that any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original states, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid.

Be it ordained by the authority aforesaid, That the resolutions of the 23d of April. 1784, relative to the subject of this ordinance, be, and the same are hereby repealed and declared null and void.

Done by the United States in Congress assembled, the 13th day of July, in the year of our Lord 1787, and of their sovereignty and independence the 12th.

CHA. THOMSON, Secy.

Secretary of Congress to Pres. Franklin, 1787.

(Copy.)

Office of Secretary of Congress,
July 7, 1787.

Sir,

I have the pleasure to inform your Excellency that since my last, seven States have assembled, but as your State is still unrepresented in Congress I have it in command to request that your Excellency will be pleased in a most effectual way to urge the immediate attendance of your Delegates as business of the greatest importance is neglected through their non attendance.

with the greatest respect, &c.

Office of Secretary of Congres,
July 14th, 1787.

Sir,

The above is a Copy of my last—I have now the honor to transmit to your Excellency herewith inclosed an act of the 12th, touching those officers who may be entitled to pensions; and an

Ordinance passed yesterday for the government of the territory of the United States north west of the River Ohio.*

with the greatest respect,

I have the honor to be,

your Excellency's

most obedient & most hum. serv't,

CHA. THOMSON.

Directed,

His Excellency, The President of the Commonwealth of Pensylvania.

Chas. Simms to Gen. Muhlenberg, 1787.

Dear Gen'l,

The point or question which I wish the Honbl. Council of this state to determine is whether the state of Pennsylvania is intitled to the debts due from the Citizens of Virginia to Alexander Ross in consequence of his attainder.† The Att'y Gen'l in his report does not explicitly determine that question—he says that my residence out of the state cannot be pleaded in Bar or abatement of the suit commenced against me—perhaps it would not be considered as a good plea in the Courts in this State—every question respecting the Rights or Jurisdiction of a State must be considered as a question of importance—and to prevent any dispute or disagreement between Sister States respecting Jurisdiction a question of that sort ought to be determined in an amicable, Just and equitable manner—and as there [are] a number of Gentlemen attending the Convention of great abilities I hope the Council will agree to refer the matter so far as relates to their right to the debt claimed of me in consequence of Ross's attainder to some of those gentlemen.

The governor of Virginia will name some gentlemen, and the Executive others, should they think proper to determine the matter in this way. I have mentioned the subject to him, he thinks it a proper way to settle that point, and observed that in a dispute between the State of Virginia and a Mr. Nathan, a Citizen of this state, the matter was submitted to some gentlemen in Maryland—he promised to mention the subject to Doct. Franklin and I have little doubt but it will meet with his approbation. I have mentioned the subject to Mr. Smilie and he expressed his approbation of the mode of determining the point—indeed I can't see that any objection can reasonably be made by any person to the proposal—as no Tribunal is established for the determination of any dispute between two States relative to Jurisdiction or Rights of government, it can only be amicably determined in the way proposed. I have no doubt but that I shall receive Justice in the Courts of Pennsylvania should

* See page 162. † See page 160.

the suit be brought to a Tryal here—but there realy appears to me to be some impropriety in the state suing a Citizen of another state in its own Court.

I have nothing to add respecting the Circumstances attending my Case only that the Land Ross sold to me was always considered within the Limits of Virginia untill the Compact entered into between Virginia and Pensylvania in the year 1780—and Ross himself lived under the Jurisdiction and was a Citizen of Virginia untill he Joined the British Government, so that if debts due to him from Citizens of Virginia became forfeited in consequence of his joining the British government, they were forfeited to the state of Virginia. I hope you will excuse the trouble I give you in this business.

I am, Dear Sir,
with much esteem
your obed't Hbl. serv't,
CHA. SIMMS.*

Philadelphia, July 17th, 1787.

Directed,
The Hon'ble Genl. Muhlenberg, Philadelphia.

Trustees of Loan Office to Council, 1787.

To His Excellency the President and Supreme Executive Council of the Commonwealth of Pennsylvania.

Agreeable to the request of your Honors, we return you the following Sums of Money, secured by Mortgages to the General Loan Office of the Commonwealth aforesaid, on which the Payments due since the first Day of November last, have not been made, by the Inhabitants of the several Counties, vizt.,

City and County of Philadelphia	£3,130
Bucks County	1,815
Chester Ditto	1,870
Lancaster & Dauphin Dittos	4,195
York Ditto	1,060
Cumberland Ditto	2,110
Northampton Ditto	1,465
Berks Ditto	2,085
Bedford Ditto	950
Northumberland Ditto	1,110
Westmoreland Ditto	520
Washington Ditto	980
Fayette Ditto	740
Franklin Ditto	1,350
Montgomery Ditto	1,000
	£24,380

* See page 160, also Col. Rec., Vol. XV., p 242.

A List of Names of the delinquent Mortgagors is made out, and ready to be delivered to your Honors, when you please to order it; we have already issued several Precepts for Sale of sundry delinquent Mortgagors Estates and shall still continue the same.

We are with due Respect
your very H'ble Serv't,
GEORGE SCHLOSSER, } Trustees.
ROBERT SMITH. }

Philad'a, July 20th, 1787.

Secretary of Congress to Pres. Franklin, 1787.

(Circular.)
Office of Secretary of Congress,
July 25th, 1787.

Sir,

I have the honour to transmit to your Excellency herewith enclosed an act passed the 23d, by the United States in Congress assembled, limiting the time for all persons having unliquidated claims against the confederacy to exhibit such claims for adjustment; as all accounts not exhibited within the limited times, will be precluded from settlement or allowance. I have to request the favor of your Excellency to cause this act to be published, that all the Citizens of your state whom it concerns may have notice thereof.

With the greatest Respect,
I have the honor to be,
Your Excellency's
most obedient and
most Hble. Servt.,
CHA. THOMSON.

Directed,
His Excellency, The President of Pennsylvania.

Secretary of Foreign Affairs to Pres. Franklin.—Signals with Morocco, 1787.

(Circular.)
New York office for foreign affairs,
27th July, 1787.

Sir,

I have the Honor of transmitting to Your Excellency herewith enclosed, a copy of the signals agreed upon between the United

States and the Emperor of Morocco, by which their respective vessels are to be known to each other at sea. The Design, Sir, of sending you this Paper is, that such *American* Masters of vessels as may make voyages from your Commonwealth, in the course of which they may expect to meet with Cruisers from Morocco, may be supplied with copies.

I have the Honor to be,
with great Respect, Your
Excellency's most obdt.
and humble Servant,

JOHN JAY.

Directed,

His Excellency, the President of the Commonwealth of Pennsylvania.

Indorsed,

1787, July 27th. From The Honble John Jay, Esquire, Sec'ry of foreign affairs, inclosing the signals to be used between the United States and Morocco.

Read in Council January 15th 1787, and copy sent to Doctor Phile.

—

(Copy.

The following signals are agreed upon between Commodore Rais Farache on the part of his Majesty the Emperor of Morocco, and the Honble Thomas Barclay, Esq, agent for the United States of America on their part, to the end that the vessels of both Parties may be known to each other at sea.

For vessels of two or three Masts.

In the Day, a blue Pendant is to be hoisted on the end of the main yard; and in the night, a Lantern is to be hoisted on the same place.

For vessels of one Mast only.

In the Day, a blue Pendant is to be hoisted at the Mast Head; and in the Night a Lantern is to be hoisted on the Ensign Staff.

Done at Morocco, the Ninth Day of the Month of Ramadan, in the year one thousand two hundred.

(Signed,) RAIS FARACHE,
THOMAS BARCLAY.

Secretary of Congress to Pres. Franklin, 1787.

(Circular.)

Office of Secretary of Congress,
July 31st, 1787.

Sir,

There being by accident an omission of the word "Hospital," in the act of Congress, which I had the honor to transmit to Your Excellency on the 25th. I take the earliest opportunity of rectifying the error by transmitting herewith another authentic copy of the Act, and have the honor to be,

Your Excellency's
most obedient and
most humble servant,
CHA. THOMSON.

Directed,

His Excellency, The President of Pennsylvania.

Lieut. Col. Harmar to Pres. Franklin, 1787.

Camp at Post Vincennes,
August 7th, 1787.

Sir,

I have the honor to Enclose to your Excellency & the honorable The Council, a return of the Pennsylvania troops in the Service of the United States dated this day.

Captain Finney having written to me that it is his wish to retire from Service, there will consequently be a Vacancy for an Ensign—I therefore beg Leave to recommend to your Excellency & the honorable Council Mr Robert Thompson (a Son of the Late General Thompson's) to fill the same.

I have the honor to be,
with the highest esteem & respect,
Your Excellency's & The
honorable Council's most hble. & obedt Servt,
JOS. HARMAR,
Lt Col. Comt 1st U. S. Reg.

Directed,

His Excellency Benjamin Franklin, Esq., President, & The hon'ble the Supreme Executive Council, Pennsylvania.

Indorsed,

General Harmar's Letter—Read Nov'r 21st, 1787, inclosing a Return of the Troops.

RETURN OF THE PENNSYLVANIA TROOPS IN THE SERVICE OF THE UNITED STATES,

Commanded by Josiah Harmar, Esquire, Lieutenant Col. Commandant, Camp at Post Vincennes, August 7th, 1787.

COMPANIES.	Officers.													Wanting to complete.			
	Field.	Com'd.			Staff.				Non Com.								
	Lieut. Colonel Commandant.	Captains.	Lieutenants.	Ensigns.	Adjutant.	Pay Master.	Surgeon.	S. Mates.	Serjeants.	Corporals.	Music.	Privates.	Total, including non-commission'd and privates.	Serjeants.	Corporals.	Music.	Privates.
At Post Vincennes. Field & Staff,	1				1	1	1	1									
Cap. Finney's,		1	1	1					4	2	2	52	60		2		8
Cap. Ziegler's,		1	1	1					3	4	2	54	63	1			6
At Fort Harmar, return dated 25th June '87. Cap. M'Curdy's,		1	1	1					3	2	2	42	49	1	2		18
At Fort M'Intosh & Post Vincennes. Cap. Ferguson's,		1	1						3	3	2	42	50				
Total,	1	4	4	3	1	1	1	1	13	11	8	190	222	2	4		32
Wanting to Complete,									2	4		32	38				
Establishment,	1	4	4	3			1	1	15	15	8	222	260				

Promotions & Appointments which Col. Harmar wishes to be made in the Pennsylvania quota, provided it meets the approbation of the honorable the Council, viz. :—Lieut. Jos. Ashton to be Captain vice Capt. Finney, resigned. Ensign Denny or Ensign Spear, to be Lieut., vice Lieut. Ashton, promoted. It will be decided by the War-Office which of these two Gentlemen will take rank of each other.

Mr. Rob't Thompson, to fill the Ensign's Vacancy.

JOS. HARMAR, Lt. Col. Com't.

Caleb Benton to Col. John Franklin, 1787.

[Aug. 9, 1787.

Sir,

I have carefully perused your's dated the first of Sept., [?] & think your policy good—with regard to letting the Towns on the Tioga. I think it best that it should be done immediately, that any man who goes on may immediately occupy his own farm. You requested me to repair to the Tioga without loss of time but I think if you reconsider the matter you will determine to the contrary, for I am sensible that if I at present leave home for any considerable time there will be no possibility of my throwing on many settlers this Fall, for which reason I shall not go on at present, but determine to exert myself to the utmost to throw on settlers & I think I shall send on a very considerable number this fall & fix a plan to fill the Country in the spring—your policy will undoubtedly induce you to not suffer provisions to be carried from your settlement, but above all I most earnestly advise you to crush your enemies & pursue them to the pit & depend I will assist you so far as in my power & shall expect that when I hear from you again, there will not be an Acan found in your Camp & trust you will not suffer the unhallowed feet of a Penimite to tread on the Land which the Lord hath given you. I am, Sir, with Respect,

yr. mo. obedient humble Servant,

CALEB BENTON.

N. B.—Please to present my compliments to Major Jenkins & inform him I am determined that his God shall be my God.

[Letter Book, Vol. I., p. 422.]

Secretary of Congress to Pres. Franklin, 1787.

(Circular.)

Office of Secretary of Congress,

August 10th, 1787.

Sir,

I have the honor to transmit to your Excellency herewith enclosed a state of the representation in Congress for the month of July. By this and the former statements your Excellency will see that since the first Monday in November last the United States have not been represented more than three days by 10 States, thirty days by 9 States and forty days by 7 and 8 States. I submit this to the consideration of your Excellency,

and have the honor to be,

with the greatest respect

your Excellency's most obedient &

most humble servant,

CHA. THOMSON.

Directed,

His Excellency, The President of Pennsylvania.

Timothy Pickering to Pres. Franklin, 1787.

Wilkesburg, County of Luzerne,
Aug't 13, 1787.

Sir,

A letter from a friend advised me that Council had appointed William Montgomery, Esq'r, a Commissioner to examine the claims of the Connecticut Settlers in this County, in the room of Genl. Heister, resigned.* I had an opportunity of writing to Mr. Montgomery to inform him of it, or rather to urge his acceptance of the office. I rec'd his answer last evening; by which I find that my letter which reached him last Thursday gave him the first notice of his appointment. He has consented, nay determined, to serve. I expressed my opinion to him, that not only the peace of this county, but perhaps of the state, depended on an immediate execution of the law for confirming the Connecticut titles. The uneasiness of the people at the delays which have happened is greater than I could have imagined; and John Franklin and his adherents are very industrious to infuse suspicions into the minds of the settlers that these delays are designed, and that the law will never be carried into execution. Until this law begins to operate, to undeceive the people, misled by Franklin's predictions and falsehoods, the execution of the laws in general will be difficult. The people, with such doubts on their minds, will be averse from aiding the sheriff and magistrates, or yield them but a faint support.

If Mr. Montgomery's commission should have been forwarded, I pray that a certificate of the appointment, duly authenticated, may be furnished to Mr. Evans who will return hither without delay; and that certificate forwarded to Mr. Montgomery (if his commission should not sooner reach him,) would authorize his coming hither & being sworn; for which reason, Colo. Denison (who was going to attend in Council,) will remain here, to administer the oath to Mr. Montgomery; because the law requires that it be taken before one of the Council, or a Judge of the Supreme Court.

I have the honor to be,
very respectfully sir,
your Excellency's obed't servant,
TIMOTHY PICKERING.

Directed,
His Excellency the President of the State of Pennsylvania.

* See page 160.

V. P. Biddle to Stephen Balliet, 1787.

In Council,
Philad'a, August 17th, 1787.

Sir,

If you should not have set off for Wilkesberry before you receive this, Council request you will proceed with Mr. Evans—the situation of affairs in the settlement requires there should be as little delay as possible.—If anything should happen to prevent your attending, inform Council by the first opportunity, that we may appoint some person in your room.

I am Sir,
your obedient and very humble Servant,
CHARLES BIDDLE,
V. President.

Directed,
Stephen Balliet, Esq'r.

V. P. Biddle to T. Pickering, 1787.

In Council,
Philadelphia, August 17th, 1787.

Sir,

Your letter to Council of the 13th* inst., was this day received by Mr. Evans. Council wrote to Mr. Montgomery the day after his appointment, and a commission was sent for him by Mr. Balliot, who we expected would have been with you before the date of your letter, we now send another Commission for him, you can cancel one of them.

We have been informed that some people at Hudson, in the settlement are determined to oppose the execution of the Law; as government is doing every thing they can to satisfy the settlers we hope there is no foundation for what we have heard; however, you had better be on your guard, and attentive to the proceedings of any person or persons in the settlement, you suspect of being unfriendly to Government.

I am, Sir, Your
obedient and very
humble servant,
CHARLES BIDDLE,
V. President.

Directed,
Timothy Pickering, Esq.

* See page 176.

Commissioners on Boundary Line to Council, 1787.

Observatory on the West side of Conawango,
August 29th, 1787.

Gentlemen,

We now take the earliest opportunity we have had of acquainting you with the progress we have made in the business which you have intrusted to us. We arrived at the Cawwanishee Flats on the 11th day of June, where the 90th mile-stone was set up last season.—The Susquehannah was remarkably low, which prevented our Boats making the necessary expedition. From the 90th mile-stone we sent our Instruments up the Thyesa in Canoes about 10 miles; our water-carriage then failed, and we had recourse to our Pack-Horses, but the ruggedness of the country at the Heads of the Susquehannah, Geneseeo and Allegany Rivers, sooned killed, and rendered useless about two-thirds, but fortunately for our business, when the Horses failed, we found ourselves on a small branch of the Allegany River; necessity then pointed out the propriety of useing water-carriage as much as possible, we immediately set about making canoes, and by the spirited exertions of our men, with no other implements than three falling Axes, two or three Tomahawks, and a Chisel, 1½ Inch wide, we had compleated in six days for the use of our Pennsylvania party 5 excellent Canoes, two of which are between 40 and 50 feet in length. These Canoes with our Stores, Instruments and Baggage, we hauled 10 miles down a shallow stream to the main Allegany River, our progress now began to appear less difficult, and we prepared to proceed down the River to a proper place for correcting the random Line by astronomical observation, but the day preceeding our intended movement, we were ordered by the Indians to discontinue the Line 'till after a Treaty should be held. We met them at the time and place appointed, explained the nature and propriety of the business we were about, and finally permitted to proceed. We have notwithstanding these difficulties, compleated the Line to the 167 mile-stone from the Delaware, and expect to have 28 miles more finished in a few days, and the fullest expectation of finishing the business this season in good time, if not impeded by some uncommon difficulty or accident.

We have the Honour to be,
Your very Hbl. Servants,
ANDW. ELLICOTT,
ANDREW PORTER.

Directed,

His Excellency, the President and Supreme Executive Council Pennsylvania.

V. P. Biddle to Z. Butler, 1787.

In Council,
Philadelphia, September 1st, 1787.

Sir,

Having the utmost reliance upon your vigilance, and attachment to the state, Council have appointed you Lieutenant of the County of Luzerne.* Should any person be so wicked as to attempt to disturb the settlement, you may rely upon the support of government in any legal measures you may find necessary to preserve the peace of the County.

You are to hold the Election for officers for the Militia as soon as you can agreeable to law.

I am, Sir, Your
obedient and very
humble Servant,
CHARLES BIDDLE,
Vice President.

V. P. Biddle to T. Pickering & S. Balliet, 1787.

In Council,
Philadelphia, September the 1st, 1787.

Gentlemen,

Notwithstanding, Government are taking every measure in their power to satisfy the people of Luzerne, we are informed some wicked persons are endeavouring to deceive the people and prevent the execution of the Law. Understanding that John Franklin is at the head of this opposition, we have thought it necessary to send a warrant to apprehend him. If you are of opinion it will tend to preserve the peace of the Country, you can have it executed during the sitting of the Court, however, we leave you to judge of the time it should be executed, or if you think it advisable you may have it suppressed.

You may assure the people of the county, that every encouragement will be given to the Peaceable Citizens, and that those who may occasion any disturbance in the settlement shall be prosecuted with the utmost rigour of the Law.

I am, Sir, Your
obedient and very
humble servant,
CHA. BIDDLE,
Vice President.

* See Col. Rec., Vol. XV., p. 264.

Secretary of Congress to Pres. Franklin, 1787.

Office of Secretary of Congress,
Sept. 3d, 1787.

Sir,

I have the honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the Month of August last—and am,

With the greatest respect,
Your Excellency's most obedient
& most Humble servant,

CHAS. THOMSON.*

His Excellency, The President of Pensylvania.

T. Pickering to Pres. Franklin, 1787.

Wilkesborough, Sept. 5, 1787.

Sir,

I was honored with a letter from Council, inclosing a commission for Col. Butler, whom they have been pleased to appoint lieutenant of this county. It arrived opportunely. The Col. accepted the Commission, which, by permission, I read in the County Court, in the hearing of the grand & traverse juries, & the spectators; and in open court I also administered to him the oaths of allegiance & of office, and read the Council's letter to him, repeating, with an emphasis, that part in which the aid of government is promised in support of the peaceable inhabitants of the county.

Franklin & Jenkins were at Tioga last Monday; and on Tuesday were to sit, with Beach & others, to receive & examine the claims of the inhabitants in that quarter to the lands in their possession; agreeably to an advertisement posted up at Tioga by their order. A Col., McInster, from Hudson, (Claverac) and one Allen, from Rhode Island, are said to have met them there. I have a deposition declaring that one of their company confessed that their plan was to erect an independent state. This deponent's information came from the person to whom the confession was made. Another person arrived this evening from Tioga, but I am not informed what intelligence he brings. Two of the Justices here intend shortly to be in

* Represented—2 days by 2 States.
5 " 3 "
5 " 4 "
5 " 5 "
1 " 7, 8, 9, 10 each.

Philadelphia, by whom I will communicate particularly, whatever shall appear worthy of the notice of the Council.

I have the honor to be, Sir,

Your most obedient servant,

T. PICKERING.*

P. S. Council's letter to the Commissioners was also received by Mr. Nichols.

Directed,

His Excellency, The President of the State of Pennsylvania.

Cherokee Indian Women to Pres. Franklin, 1787.

Brother,

I am in hopes my Brothers & the Beloved men near the water side will heare from me. This day I filled the pipes that they smoaked in piece, and I am in hopes the smoake has Reached up to the skies above. I here send you a piece of the same Tobacco, and am in hopes you & your Beloved men will smoake it in Friendship—and I am glad in my heart that I am the mother of men that will smoak it in piece.

Brother,

I am in hopes if you Rightly consider it that woman is the mother of All—and that woman Does not pull Children out of Trees or Stumps nor out of old Logs, but out of their Bodies, so that they ought to mind what a woman says, and look upon her as a mother —and I have Taken the privelage to Speak to you as my own Children, & the same as if you had sucked my Breast—and I am in hopes you have a beloved woman amongst you who will help to put her Children Right if they do wrong, as I shall do the same—the great men have all promised to Keep the path clear & straight, as my Children shall Keep the path clear & white so that the Messengers shall go & come in safety Between us—the old people is never done Talking to their Children—which makes me say so much as I do. The Talk you sent to me was to talk to my Children, which I have done this day, and they all liked my Talk well, which I am in hopes you will heare from me Every now & then that I keep my Children in piece—tho' I am a woman giving you this Talk, I am in hopes that you and all the Beloved men in Congress will pay particular Attention to it, as I am Delivering it to you from the Bottom of my heart, that they will Lay this on the white stool in Congress, wishing them all well & success in all their undertakings— I hold fast the goodTalk I Received from you my Brother, & thanks

* Col. Rec., Vol. XV., p. 278.

you kindly for your good Talks, & your presents, & the kind usage you gave to my son.

From KATTEUHA,
The Beloved woman of Chota.

Moses Price & Tom Ben, Linchesters.
8th Sept., 1787.
Indorsed,
From Kaattahee, Scolecutta and Kaattahee, Indian Women.
His Excellency, Benjamin Franklin, Governor of the State of Pennsylvania.

—

Rec. of Mr. John Nickleson, Comtroller Gen. of the state of Pennsylvania, by the hands of Alexander Dromgoole, 2 Gorgets of Silver for the Great Chiefs of the Cherokee Nation. Also one silver hair-plate & 2 pair of Silver Bobs for the Beloved woman. Given under our hands in Chota, this 7th Sept., 1787.
Test Present.

MOSES PRICE, KAATTAHEE, or Corn Tassel.
RICH. FIELD. SCOLECUTTA, or Hanging maw.
KATTEUHA, or Beloved Woman.

—

Rec'd of his Excellency, Benjamin Franklin, by the hands of Alexander Dromgoole, 2 Silver meddles for the Great Chiefes. Also his Excellency's picture in Silver for the Beloved Woman, Given under our hands in Chota, Cherokee Nation, this 7th Sept., 1787.
Witnesses Present.

MOSES PRICE, KAATTAHEE, or Corn Tassel.
JNO. MARTIN, SCOLECUTTA, or Hanging maw.
RICH. FIELD. KATTAUHA, or Beloved Woman.

———

Joseph Hamilton to Col. John Franklin at Wyoming, 1787.

Hillsdale, Sept. 8, 1787.

Sir,

I flatter myself Starkweather will be able to give you that information of our Ideas of policy which will be entirely satisfactory to you all and that you will be of our mind, think as we do on the subject. Notwithstanding what I wrote about the Town of Strong &c., to reserve it yet upon further consulting we give it up, into the hands of the Commissioners to settle as they think best, the other Towns we wish to have surveyed and lotted and fifty lotts in each

survey in the best lands any where in your town and send us the Platt of each & we will instantly fill them with settlers as many as you please, only give no one man more or less than one hundred acres for settling, I mean of good land or an equivalent thereto, you write as though you thought us discouraged, I don't know that we have given you any just reason for such an opinion. I am not in the least discouraged in case you do as you write, nay, I can say more I am willing to risque any thing I possess upon it, I do not conceive I have given you any just reason to make the conclusions you do make, however I heartily excuse you, it is time to be jealous, your jealousy begins with your friends, it will be well if it continues & ends with your enemies.

N. B.—Nothing in our power to retain our lands has been hitherto omitted & you shall never have any reason to judge that we will for the future relax in the least—from your constant friend & servant,

JOS. HAMILTON.

P. S.—I can write no more letters at present for want of time, tell Mr. Kinsley his family is well, my best compliments to him & Capt. Allen & I thank them for their letters, will embrace the first opportunity to write.

Joseph Hamilton to John Franklin, 1787.

Septem. 10, 1787.

Sir,

I am just now informed by Captain Coon of this place that yesterday afternoon Captain Strong crossed this River on his way to Wyoming—that he said he had matters with him necessary to lay before the Pennsylvania Commissioners for a confirmation of his lands, that he was determined to pursue it, that he had determined heretofore to hold it under Connecticut claim, but that was over, the Laws were in exercise & it was too late. You will let your enemies secure their lands under that title, pass & repass in that Country, wait on their commissioners &c., without obstruction, but will scold at your friends, nay your best friends who would risque every thing dear to them for your safety and welfare, nay you will reprobate them for the most distant proposal, in short such policy appears, to me to be a very visible matter. I have known many a patient in a highly inflammatory fever, being attended by a timid physician who dare not let blood, suffer the disolution of his whole body barely for want of drawing a little Blood from the arm.

Nay Gentlemen suffer me to advise you that if you suffer Pennsylvania Politicks any longer to intermingle with yours then to take Strongs method, get a confirmation of the land from them and then

find some fool to purchase of you, and so save something, for it is a pity that men who have first fairly purchased the Land paid for it at a dear rate and suffered every thing that can be named but death itself nay have lost hundreds of lives in defence of it through a long & bloody war & in that defence have defended the lives & property of those very state dignified & dirty rascals who now mean to possess it, I say now without the flash of a single Gun rifle or any of the least resistance to be manuevered trucked and jockeyed out of the whole is too much for people who have had the name of brave people, but if you should in proper time afford a manly resistance to a power exercised in the eyes of all the world, for the most villainous purposes my desire is that you should reserve an handsome seat on the Tioga point for we think it policy in such case, that either Doctor Benton or myself should remove to that place in the Spring to continue there—this matter we have talked of between us & agreed on, but we can do nothing without your exertions & that resolute ones to, we have got the money chest in possession, we are very sensible of, but then you have the key, no righteous wheel will move untill you move and that in such manner as to make the world know you are in earnest, they all think you are jesting, madness in you would not surprize the world half so much as has your past conduct, for surely oppression maketh the wise man mad, we naturally reason thus either that you are not wise men or that the scripture is not true. Be assured the greatest outrages attended with a thousand inadvertencies & even large imprudence would afford much less astonishment in the eyes of the world at large, then the calm, soft, easy Lethargy & pusillanimous scenes that are now passing in that county. Another observation, True policy knows no passion, you all will therefore calmly consider the whole matter as to the precise time to begin, but sure I am, that if it is not done this fall you cannot have much succour from this quarter.

N. B. upon hearing from me, I anticipate your observations, you say Dr. Hamilton is a coward, he fights well at a distance but he will not venture his own skin, he can talk and write but that is all, &c., &c.

I own I was never bred a Warrior, I am no fighter, am of a timid make &c., but I call G—d to witness that my feelings are that in equal combat in the present cause, I would not think myself in to much danger to encounter the men you have on the ground, and if you will contrive any way that I may do Justice to my large & Tender Family who have already suffered every thing but death in that country, I will be with you in a fortnight, but then you shall make a noise or I will not tarry to die such a tapering death.

JOS. HAMILTON.*

[Letter Book Vol. I. p. 424.]

* Not directed, but probably to Col. F.

Joseph Hamilton to Col. John Franklin, 1787.

City Hudson, September 10, 1787.

Sir,

I now sit down to observe on a clause of your letter which in my former was unnoticed. You say you cannot concieve from whence my fears arose. I will tell you sir, how it is—principal & leading characters here will believe that you never will be able to klink up a Bubbery there & act on a different scale of policy untill you have really done it & untill that is done the truth is they will not venture any further part of their property or character so that you readly see your schemes at an end, for what can I do to all out of my private pocket—moreover Sir, if I should tell them that there was something about to be done which by the way would be dangerous, our enemies may take the hint too soon, nay if I could in order to prove it show some clause in your letter which I have often done to keep up their spirits, they would immediately say this has been an old story for a long time, we do not believe it, Colonel Franklin is mistaken in his policy from what we hear almost every day, it is very probable to us that he will be in person soon if he is not already in the practice of Physic where life is in question, it is an observation of Dr, Huxham that the low & timid method of practice is as reprehensible as the bold & quirical, for while the one neglects an opportunity never to be regained, the other wafts you off the stage in a moment.

However if you suddenly & in a proper time sever the wheat from the chaff among you, & suffer not a dissenting whisper among you, I can assure you this part of the world will be better in removing them as soon as they know of such a matter.

From your friend & servt.

JOSEPH HAMILTON.

P. S. I think you have & harbour in your Country a curious monster of two heads in one body, for what else are your two setts of Commissioners which you allow among you, granting the same lands, Gore said in his letter to me that as soon as they meddled with the title of lands he would find Indians enough to protect them. Where are Gore's Indians, are they scattered away by his new settlers at Newtown.

One obervation more I think important which is that no one non-resident proprietor whatever ought to hold any piece of land out of the hands of the Commissioners to dispose of to settlers who will immediately take possession but the Commissioners ought to dispose of the Lands and keep fair Records of their Transactions and in future make ample compensation.

[Letter Book, Page 423.]

James Harris to James McLene, 1787.

Conemagh, Sept. the 11th, 1787.

Sir,

The Commissrs. for laying out the road from the Frankstown branch of Juniatta to the river Conemagh have this day compleated that business As it is impossible for any set of men to perform or do any act or thing in which the public are interested, to the satisfaction of every person we do not expect to escape the censure of many. The return of the road will be presented to Council by the bearer Esqr. Elder. I would beg leave to inform you of our proceeding. When the Commissioners met at Frankstown they expected to find the Conemagh a navigable stream at some seasons at least as high up as the mouth of Stony creek; upon examination we found the channel sufficiently extensive but so obstructed by numerous rocks & falls at the gaps through Laurel Hill & Chestnut ridge as to make it very difficult at the most favorable Seasons, we with a great deal of care, with the assistance of the best woodsman, explored the Country on the south side of Conemagh over the Laurel Hill & Chestnut ridge & find the ground so mountainous so rocky & swampy on that side, that we were of opinion it was better to bring the road down the north side below the Laurel hill & Chestnut ridge the land carriage tis true is something farther, as the distance from the mouth of Stoney creek to Frankstown will be about 30 miles as the road must go, to the mouth of Black lick from Frankstown 43½ the diff. is 13½ miles which difference is amply compensated by the difference of the ground over which the roads must pass. The road as 'tis laid out is upon good ground there is no difficulty in Crossing Allegany mountains the Laurell Hill or Chestnut ridge, there are few waters to cross except Springs, What we have done we intended for the best, we submit it to the judgement of Council hoping for their approbation.

I am, Sir,
with every mark of esteem,
Your much obliged Humble Servt.

JAMES HARRIS.

James McLene Esqr.

* See Col. Rec., Vol. XV., p. 273, 274.

V. P. Biddle to Assembly, 1787.

In Council,

Philad'a, Sept. 20th, 1787.

Sir,

Council being of opinion that the enclosed letters from the Commissioners,* now at Wilkbarre, contained information that requires immediate consideration, have ordered that it be transmitted to the Honble the Gen. Assembly.

I am, Sir, Your
obedient and
humble Servant,
CHARLES BIDDLE,
V. President.

Directed

Honorable Thomas Mifflin, Esq., Speaker of the Gen. Assembly.

Pres. Franklin to Gov. Clinton of N. Y., 1787.

In Council, Sept. 22, 1787.

Sir,

Your Excellency will see by the Papers & Letters of Intelligence, which I have the honour of communicating to you, that there are a Number of disorderly People collecting near the Line that divides our two States, who are impatient of regular Government, and seize upon and presume to dispose of lands contrary to and in Defiance of the Laws. It has appeared to us by other evidence that their Numbers are daily increasing by vagabonds from all quarters, and that they expect Reinforcements from Shay's late Partizans, and purpose defending their proceedings by Force of Arms. Your Excellency will be sensible with us of the Mischief, such a Body of Banditti may be capable of occasioning to both our States, if suffered to increase and establish themselves in that country; The Vicinity of the Boundary Line affording them at present an imaginary security, since if pursued by the Authority of one of the States, they can easily step over into the others. Your Excellency's Readiness manifested on former occasions, to aid the operations of general justice, even in neighbouring Governments, leaves no room to doubt of your concurring with us in the Measures that may be necessary to defeat the projects of those people, some of whose Leaders are said to be Inhabitants of your State; for the concerting such Measures the Council of this government unanimously and

* Relative to a division line, between Northumberland & Luzerne.—Not found, but see Col. Rec., Vol. XV., p. 276.

earnestly request your Excellency would be pleased to permit our Delegates in Congress to have a conference with you.

I have the honour to be,
Your Excellency's
most obedient and
most humble Servant,
B. FRANKLIN,
President.*

Directed,

His Excellency, Geo. Clinton, Esq., Governor of New York.

Pres. Franklin to Delegates in Congress, 1787.

In Council,
Philadelphia, Sept. 22, 1787.

Gentlemen,

Enclosed is a Letter to Gov. Clinton, which we send unsealed for your perusal, with the several Papers of Intelligence that accompany it. The Council have thought of sending a few resolute Men authorized to apprehend and bring off Franklin and Jenkins; but if they should be on the York side of the Line it might be impracticable without the Concurrence of that Goverment. You will see that we have requested the Governor to have a conference with you on the subject; in which, if it take place; we desire you would not only discuss what may be proper for the securing the Ringleaders of the sedition, but concert some general Measures for the two States to take, that it may be effectually and totally suppressed: and that you would report to us the Result of your conference as soon as may be.

With great esteem,
I am, Gentlemen,
your most obedient,
humble Servant,
B. FRANKLIN,
Pres.

P.S.—You will see the Propriety and Necessity of keeping the Proceedings secret, as well as the names of the Informers, and you will return the enclosed Papers.†

Directed,

To the Delegates in Congress.

* See Col. Rec. Vol. XV., p. 278. † Ibid.

Instructions to Col. Jno. Craig, 1787.

In Council, Sept. 26, 1787.

Sir,

You are to take what number of Militia you think necessary and proceed with the greatest dispatch to Wilksbarre, in the County of Luzerne. When there, if you think it necessary consult Col. Pickering on the best method you can take to apprehend John Franklin, John Jenkins, Zerah Beach and John McKinstry.*—Should you take all or any of those men Prisoners you are to bring them to Philada. If you take Franklin at Wilksbarre do not proceed any further, or run no risque of losing him by endeavouring to apprehend the others.

Council have the utmost reliance on your secresy and your prudence in conducting this affair. If opposed by force, you are to use force and execute the warrant at all events.

Directed,

To Col. John Craig.

Arthur St. Clair, (Delegate in Congress) to Pres. Franklin, 1787.

New York, Sept. 28, 1787.

Sir,

In pursuance of your Excellency's Letter in Council of the 22d, instant, The Delegates of the State had yesterday a conference with Governor Clinton upon the subject of the Intelligence contained in the Papers inclosed to him.

Governor Clinton seems perfectly well disposed to concur in any general Measure that may tend to preserve the Peace of the two States; but he apprehends no danger from most of the Persons mentioned in those Papers; on the contrary he seems to think they are disposed to become peaceable and orderly Citizens of the State of New York, particularly, Ar. Moodrey, [?] in whom he appeared to have a confidence. As General Irwin and Mr. Bingham, are both going to Philada., I beg leave to refer your Excellency to them for more particular information.

As to Franklin and Jenkins, The Delegates are of opinion that no more proper method can be pursued than that suggested in your Excellency's Letter, of sending a few resolute men to take them off; and should they be on the York side of the Line, or take refuge within that State, the apprehending them will give no offence to the Government. On the contrary the Governor is ready to concur with the Measure, and to that end has proposed that the

* See proclamation for their arrest.—Col. Rec., V. XV., p. 279.

warrant that may be thought proper to issue against those Men, be sent here, when he will get it backed by the Chief Justice, and accompany it, so backed, with his own warrant under the privy seal commanding all the Inhabitants, (for they have no Magistrates) of that District to be aiding and assisting in apprehending them. Should Council then adopt the Measure, if you will please to enclose the warrant to me no time shall be lost in presenting it to Governor Clinton, and returning it to your Excellency.

I have the Honor to be,
with the greatest Respect,
Sir, Your Excellenc'y
most obedient Servant,
AR. ST. CLAIR.

Directed,
His Excellency, B. Franklin, Esq.

SECRETARY OF CONGRESS TO PRES. FRANKLIN, 1787.

(Circular.)
Office of Secretary of Congress,
Sept. 28th, 1787.

Sir,

In obedience to an unanimous resolution of the United States in Congress assembled, a copy of which is annexed, I have the honor to transmit to Your Excellency the report of the Convention* lately assembled at Philadelphia, together with the resolutions and letter accompanying the same; and have to request that your Excellency will be pleased to lay the same before your Legislature in order that it may be submitted to a convention of Delegates to be chosen by the people of the state in conformity to the resolves of the convention made and provided in that case.

With the greatest respect,
I have the honor to be,
your Excellency's
most obedient and
most humble Servt.,
CHA. THOMSON.

Directed,
His Excellency, The President of Pennsylvania.

* Not found.

Resolutions of Congress, 1787.

Friday, September 28th, 1787.

The United States in Congress assembled.

Present: New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Virginia, North Carolina, South Carolina & Georgia and from the State of Maryland, Mr. Loss.

Congress having received the report of the Convention lately assembled in Philadelphia,

Resolved unanimously, that the said report, with the resolutions and Letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a Convention of Delegates* chosen in each State by the people thereof, in conformity to the resolves of the Convention made and provided in that case.

CHA. THOMSON, Sec'y.

Resolution of Congress—Privileges of Consuls, 1787.

By the United States in Congress assembled.

September 28th, 1787.

Whereas Doubts have in certain instances arisen whether foreign Consuls residing in the United States are entitled to an Exemption from such legal Imposts and Duties on Merchandize, by them imported for their own Use, as are payable by other Subjects of their respective Nations.

Resolved that no Consuls of any Nation are entitled to such Exemptions in the United States.

(Copy.)

(Signed) CHARLES THOMSON, Sec'y.

Secretary of Congress to Pres. Franklin, 1787.

Office of Secretary of Congress,
October 2d, 1787.

Sir,

I have the honor to transmit to your Excellency herewith enclosed a state of the Representation in Congress for the Month of Sep-

* The original returns of the delegates chosen in the several counties are at Harrisburg, written on parchment, with the name of each signer, and his seal affixed. They ought to be framed. We may print them hereafter.

tember,* to be laid before the Legislature, pursuant to an Act of 17th August, 1785; also two Copies of the Journal of Congress, from the 10th of May to the 25th of September, one for the Legislative and the other for the Executive branch of Government.

With the greatest respect,
I have the honor to be,
Your Excellency's most obedient
& most humble servt.,
CHA. THOMSON.

His Excellency, The President of the Commonwealth of Pennsylvania.

V. P. Biddle to Col. Wm. Wilson, 1787.

In Council, Philadelphia, October 6th, 1787.

Sir,

Mr. Hollenback will deliver you fifty stand of arms, 1 hun. lb of Powder & three hundred wt. of Lead, which you are to take charge of—till you hear further from Council, you are to follow Mr. Montgomery's directions respecting the disposal of the Arms & Ammunition.

I am, sir,
Your obedient, humble servant,
CHARLES BIDDLE, Vice President.†

Z. Butler, &c., to Pres. Franklin, 1787.

His Excellency, Benj'n Franklin, Esq., Pres. of State.
Wilkesbarre, Luzerne Co., Oct. 6, 1787.

Sir,

Doubtless your Excellency & the Hon. Council have heard of the disturbance in this place on the night of the second inst., caused by the taking of John Franklin (as now supposed) with a state warrant; with pain we should give a statement of all the circumstances, did we suppose your honors not informed thereof. Yet we conceive it now our duty to acquaint you with the state of this County. We have reason to suppose that various & shocking accounts of the late

* 5 States represented on 9 days.
6 " " " 1 "
8 " " " 1 "
9 " " " 2 "
10 " " " 2 "
11 " " " 4 "
Rhode Island appears unrepresented throughout the month.

† See Col. Rec., Vol. XV., p. 289.

lisorders in this county have arrived at Philadelphia, and while we ament the abuse offered to Colonel Montgomery by an individual, ve can inform you that no other person has been hurt on the occaion, & that those persons who fell into the hands of the disturbers re liberated. The disaffected party dispersed the next day, regreting exceedingly their disorderly conduct. We believe they feel a legree [of] Compunction equal to the magnitude of their Crimes. This day we met the principal of that party who made the disturbnce, upon their request by them, we were informed that they supposed the manner of taking Franklin was illegal, that those persons who seized him had formerly exercised cruelty in this settlement, & by the Report of a number of pistols, their intention was to take his life; We can assure your Excell'y and the Honorable Council that ve are convinced of their penetence, & have reason to believe that n future the administration of law will not be interrupted in this County, that Elections will not be opposed & that they will demean themselves as peaceable citizens of this State. They have expressed o us their wishes that the Commissioners for ascertaining claims in his County would return for the Completion of their business again; ve would inform your honors that we believe them sincere, & with them join in requesting that the said Commissioners would return & proceed in their business.—Had we reason to doubt of the future submission to law & Civil government in this County, we should deviate far from our duty when we represent that the situation of his County at present is not such (in our opinion) as calls for the mmediate exertions of a military force. Messrs. Wells & Bowman the bearers of this letter) will be able to give an account of the particulars of our situation, Col. Pickering's family, &c.

Those persons who assembled under arms upon Franklin's being aken (and now disposed for peace, good order, and submission to Government) have in the most humble manner solicited us to represent their submission & orderly disposition to your Excellency & the Hon'ble Council, begging that Franklin's person may be treated vith as much tenderness as the nature of his charge will possibly dmit, & if consistent with the laws & dignity of this State, that he be admitted to bail. We also join with them in this last request, bserving that many people in this country, entirely submissive for Law & Gov't, wish Franklin to be treated with as much lenity as vill be consistent with his [position.]

We have the honor of Being,

Your Excellency's humble servants,

ZEBULON BUTLER, } Lieutenants
OBEDIAH GORE, } of
WM. HOOKER SMITH. } County.

P. S. The principals of the party above mentioned have in their Letter to Col. Dennison said something in Corroboration of our Opinions to which Letter we would refer your Excellency.

Combination of Settlers and Purchasers of Susquehanna Company, 1787.

Whereas, we the subscribers being proprietors, purchasers, and Settlers of a tract of Land known by the name of Susquehanna purchase, and are in consequence of a Royal chartered right, together with that of an absolute purchase from the aboriginal proprietors (with our associates, to wit., the Susquehanna Company,) in possession of the whole of the aforesaid purchase; and whereas the settlers and their associates are & were joint tenants of the whole Territory of Country aforesaid, & the possession the settlers is & ever hath been the possession of themselves and their associates agreeably to the observation of a celebrated Law writer, who saith that a possession of part in the name of the whole is a possession compleatly for every part. And whereas the aforesaid Company of which we are a part, were the first in possession & occupancy after the aboriginals, & neither have been or can be legally dispossessed by any Tribunal short of a Federal Court instituted agreeably to the articles of confederation; it therefore follows that no one State in the Union has a right to determine the title or right of possession to any of the lands in the aforesaid purchase until the institution & exercise of a Federal Court as above mentioned. Therefore we humbly, jointly, & severally pledge our honors & all our properties, real and personal, that we will use our utmost exertions for the protection & defence of each other in the possession of the lands aforesaid against all invaders, & also for the defence of all such as will join with us in this combination, & that we will unequivocally adhere to every thing comprized in the foregoing declaration. We also hereby declare to the public that we will lay no claim to lands under any other title but that of the Susquehanna Company in the before mentioned purchase. In testimony whereof we have hereunto voluntarily subscribed our names.

John McKinstrey,	Waterman Baldwin,	Simon Shepard,
Zerach Beach,	John Spalding,	Jas. Therinlon,
Benjamin Allen,	Joseph Marshall,	Solom'n Bennett,
Thomas McClair,	Avery Grove,	Joel Thomas,
Eldad Kellog,	John Cole,	Joseph Thomas,
Chester Bingham,	Simon Spalding,	Jos^{h} F. Thompson,
Stephen Fuller,	Abel Maringer,	James Fanning,
Lebbeus Hammond,	Thomas Spalding,	John O'Neal,
Benjamin Clark,	Abraham Brohaw,	Jas. Dolson,
Jeremiah Skeer,	Samuel Southard,	Stephen Dolson,
Joseph Spalding,	Othriel Campbell,	Jno. Moorecraft,
Joseph Kenney.	Abraham Spalding,	John Kortwright,
Samuel Gore,	John Garey,	Jacob Collins,
Peter Dounou,	Thomas Brown,	James Witney,

Jacob Snelf,	Samuel Bewellman,	Jacob Kress,
Christian Kress,	Jon'n Harris,	Nathan Herrington, Jr.
Nathan Herrington,	Jon'n Harris, jr.,	Moses Depui,
Chornelius McDanul,	Martin Young,	Jacob Herrington,
Nicholas Depui, junr.,	Walter Walrue,	Prince Bryant,
Peregrine Gardner,	Abm. Minur,	John Simpson,
John McClure,	Joseph Tyler,	John Simpson, Jr.*
John Fuller,	Alexr. Simpson, Jr.,	

Francis Smith to Secretary Armstrong, 1787.

Lower Smithfield, 6th October, 1787.

Dear Sir,

Yesterday morning, being on the Wyoming Road, at a small distance from Larner's house, I met Timothy Pekrin, Esqr., and Mr. Evans, secrety entering our settlements in a distressed situation. Informed of the coup de main executed on Franklin,† and apprehensive of the natural consequences attending such Conduct, I asked for information, when to my great surprise I understood by Mr. Pekrin that although he narrowly escaped the vengeance of the Connecticut Banditti, and had Leaft behind him his Lady and children, Likely to be taken as hostages for Franklin, he was going to Philadelphia to compromise matters with John Franklin; his expressions, I believe, started from a repenting and disappointed heart, in the expansion of which I understood that he had wrote a Letter to John Swift, the present Leader of the faction, promising an act of administy for him, Franklin & Party, provided they would submit to his fugitive plan of Submission to our Laws; he further added that his first exertion in the city would be to pay a visit to the Prisoner, John Franklin, and should propose him once more to make him and Swift men of great importance on the above Conditions, it hurted my feelings to conceive that one individual as Mr. Pekrin, in a free and Constitutional Government, should cousin or pretend to dispose of the three Branches of our Political existence in the same time that he confesses the necessity of coercive measures, and sees the dignity of Government exposed.

The tumult continues in Wyoming, the apprehending of Franklin, I believe, has only hastened the Period of their clandestine opposition to Government, I hope it will convince our Legislators of the impro-

* There is no date to the foregoing, but it is recorded in the Letter Book immediately after the preceding letter.

† See Col. Rec., Vol. XV., p. 291.

priety of purchasing Peace at the expence and ruin of individuals from a set of men devoted to disturb publick tranquility.

I remain with sincere esteem and respect,

Dear Sir, your most humble and obed't servant,

FRANCIS SMITH.

Directed,

(On public Service,)

The Honorable John Armstrong, Secretary of (State) the Supreme Executive Council, Philadelphia.

PRES. FRANKLIN TO GOV. CLINTON OF NEW YORK, 1787.

Philad'a, Oct. 7, 1787,

In Council.

Sir,

The Bearer Mr. Redick* is a Member of this Board, and goes to New York on a Business of Importance to both our States. The Council earnestly request of your Excellency to take the Information he may communicate into immediate Consideration, and afford this State the Aid that you will perceive to be necessary for securing the Person and Papers in question, in order to compleat the Evidence against the Conspirators, so that they may be brought to condign Punishment, & their Schemes of Mischief defeated. With great & sincere Respect, I have the honor to be Sir, your Excellency's most obedient & most humble Servant,

B. FRANKLIN.

Directed,

His Excell'y, Gov'r Clinton.

INSTRUCTIONS TO COL. JOHN CRAIG, 1787.

In Council,

Philadelphia, October 9th, 1787.

Sir,

The Council on Consideration have thought proper, to suspend for the present the execution of those warrants which are in your hands for the apprehending of Jenkins Beach and McKinstrey. You are therefore to retain those Warrants in your hands until you receive further orders from Council.

I am Sir,

your obedient and very humble servant,

BENJAMIN FRANKLIN.

Directed,

Colonel John Craig, Lt. of Northampton County.

* See Col. Rec., Vol. XV., p. 291.

David Redick to Pres. Franklin, 1787.

New York, 9th October, 1787.

Sir,

I arrived in this city at 12 to day, and waited on Genls. St. Clair & Irvine before I sat down they went with me to Governor Clinton so that I had an interview with him before dinner. The governor discovered the greatest cheerfulness to pursue any measure, in concert with Pennsylvania or otherwise, to secure the peace and quiet of his own Government and at the same time to promote that of Pennsylvania, we entered very seriously into the business, he appears now fully convinced that Hamilton, Baynton, Aughmuterry and McKinstry are wicked men, he rejoices much at Franklin's being secured, as he thinks it equally favourable to the happiness of both our States.—We waited this afternoon on the Chief Justice; who with equal readiness, and earnest intent on his part, went into the necessary measures for apprehending the persons and securing the papers of Hamilton and Baynton. I mentioned to the Governor & Judge that my anxiety for the certain and effectual execution of the business was so very great, that if they thought, that my personal attention to it would contribute to its success, I would freely go to Hudson; this proposition had the desired effect, that was to lead to a conversation respecting the person (as well as the manner of doing it,) to whom it would be intrusted. After several proposals or rather plans, still observing symptoms of doubt on my brow, for I did not think it prudent to impress them by words, he assured me he would endeavour to get Col. Willet, High Sh'ff of the city to go in person; and that he would answer for the completion of it; he accordingly waited on Col. Willet who will undertake to do it; but some matters of much importance obliges him to attend to them tomorrow; next day early he intends setting out. I have been with Col. Willet since night and mentioned to him my Ideas respecting the propriety of Securing or rather apprehending both the persons at one and the same time lest an alarm might put the other on his guard; he has satisfied me.

The Governor assures me, that authenticated transcripts of every material paper shall be immediately transmitted to your Excellency & the Council upon their arrival in New York, and he further declares that the moment in which it may be found necessary to send force he will in conjunction with Pennsylvania crush them at once.

After all, I do not find myself at liberty to return to Philadelphia until I see Col. Willet fairly set off.

Sir, I have the honor to be
your most obedient & very humble S't,
DAVID REDICK.

Directed,
His Excellency Benjamin Franklin, Esq., Philadelphia.
Hon'd by Mr. Green.

John Nicholson to Pres. Franklin, 1787.

Mud Island.

Sir,

I beg leave to represent to your Excellency and The Hon'ble The Council that the wharves at State Island and Mud Island are in need of repair, one corner of the wharf on Mud Island is sunk very considerably, the repairing these wharves at present would cost little compared to the expense thereof if they are left much longer without it as the tides are very fast reducing them. Mr. Connaroe who hath contracted with the wardens for sinking a Pier near Mud Island and repairing the boom piers, has proposed if the State desires it to repair these two wharves. I beg leave represent further, that it appears very neccessary to repair these two wharves and that Mr. Connaroe proposes to do it for a reasonable allowance.

I have the honor to be,

with high respect,

Sir, your most obed. servant,

JNO. NICHOLSON.

Compt. Genl's office, Octr. 11th, 1787.

Directed,

His Excell'y Benjamin Franklin, Esq'r, President of the Sup. Ex. Coun.

Requisition by Congress, 1787.

By the United States in Congress assembled.

October 11, 1787.

The Committee to whom was referred a Report of the Board of Treasury and a motion of Mr. Kean, respecting the requisition for 1787, having Reported, "That from the several papers referred to them, it appears that there is wanting for the services of the year 1787, the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the year 1788, and the payment of one year's interest on the Domestic Debt, the sum of 3,009,798, 64–90 dollars.

That of the aforesaid sum, 1,309,391, 64–90 is absolutely necessary in specie—that there are considerable sums in specie due from the States over and above those which are necessary to discharge the existing demands on former requisitions, which sums are nearly equal to the payment of that part of the present requisition that is absolutely necessary in specie, and the objects for which the said sums were called for no longer existing, they may be now appropriated to the purposes of the present requisition—that in their opinion many difficulties have arisen from the restrictions made in

former requisitions in the issuing of the indents of interest; the making them receivable only for the year in which they were issued, and then only when accompanied by a proportion of specie, and declaring that after a certain period they should not be received from the States at the federal treasury, all which have served to check the exertions of the States, and to keep back the specie payments; nor have they had those beneficial effects expected from them of stopping the issue of indents where States had not passed legislative acts to call them in, or keeping up their value and preventing depreciation, but on the contrary have opened a new scene of speculation in transferring the property of a citizen of a State which has not passed a legislative act, to a citizen of a State which has. In addition to this the committee observe, that the acts of Congress empowering the Board of Treasury to contract for the sale of Western Territory, also empowers them to issue indents of interest to the purchasers, so that to continue such restrictions would operate only to the injury of a few, and be no public benefit," Whereupon,

Resolved,

That for the sevices of the year 1787, for the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the year 1788, and for the payment of one year's interest on the Domestic Debt, it will be necessary that three millions and nine thousand seven hundred and ninety-eight, sixty-four ninetieths dollars be paid into the treasury of the United States on or before the first day of July next, to be appropriated to the following purposes, viz.

For the Civil Department,		124,161 85
Military Department,		176,757 17
Geographer's Department,		9,964
Invalid Pensions,		88,000
Contingencies,		19,000
Foreign Debt, for the payment of interest on the French and Dutch loans and two instalments of Principal on the French loans, becoming due, 1788,	871,622 87	
Spanish loan, one year's interest due thereon,	8,700	
Debt due to foreign officers, one year's interest thereon,	11,185 55	
		891,508 52
Domestic Debt one year's interest thereon,		1,700,407
Making in the whole, dollars,		3,009,798 64

Resolved that the sums called for in the years 1784, 1785, and 1786, and stated by the Board of Treasury not now to be necessary, the objects for which they were called for no longer existing, which

sums amount to one million two hundred thousand dollars, be now appropriated to the payment of that part of the present requisition which cannot be discharged but with specie; anything in former requisitions to the contrary notwithstanding; and shall be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

Resolved, That one hundred and nine thousand three hundred and ninety-one dollars sixty-four ninetieths, in the hands of the Commsssioners of Loans in Holland, in aid of the above sum, be appropriated for the discharging the interest due on the Foreign Debt due in Holland, and to no other purpose whatever.

As 1,700,407 dollars called for are to be applied to the payment of the interest due on the Domestic Debt of the United States.

Resolved, That the several States be allowed to discharge the same by indents for interest on loan office certificates, and upon other certificates of the liquidated debts of the United States, *in such manner as they judge most expedient;* and to ascertain the evidences of interest due on loan-office certificates, the holders thereof respectively shall be at liberty to carry them to the office from which they issued, and the holders of other certificates of liquidated debts of the United States, to carry the same to the Loan-office of that State wherein they are inhabitants, or if foreigners, to any Loan-office within the United States, and to have the interest thereon settled and certified to the last day of the year 1786; any thing in the requisition for the years 1784, 1785, and 1786, to the contrary notwithstanding.

Resolved, That the quotas of the several States of the aforesaid sum of 1,700,407 dollars in indents be as follows, viz.

New Hampshire,	59,684	
Massachusetts,	254,381	
Rhode-Island,	36,558	
Connecticut,	149,976	
New York,	145,555	
New Jersey,	94,372	
Pennsylvania,	232,616	
Delaware,	25,506	
Maryland,	160,349	
Virginia,	290,770	
North-Carolina,	123,450	
South-Carolina,	108,996	
Georgia,	18,194	is 1,700,407

That the foregoing requisition when paid, shall be passed to the credit of the States respectively, on the terms prescribed by the resolve of Congress of the 6th day of October, 1779.

Resolved, That the Board of Treasury furnish the several Loan-

officers with indents, to be issued for interest as aforesaid, and also with such checks and instructions as they from time to time shall judge necessary, to prevent counterfeit cirtificates of debts from obtaining a settlement of interest, and to detect counterfeit evidences of interest, and thereby to avoid receiving them in discharge of taxes; which indents of interest being parted with by the holders of the principal, shall be deemed evidence that he has received satisfaction for the same, and therefore shall be receivable from the bearer in lieu of money in any other State in the union, as well as in the State in which they were issued.

That the State paying such indents of interest into the federal treasury shall have credit therefor, which payment shall be considered as a discharge of the interest on the Domestic Debt, in the proportion that each state avails itself of the said indents of interest; but no State shall have a right to pay more than its quota, as specified in the existing requisitions of Congress, in the said indents of interest.

Resolved, That the Board of Treasury be, and they are hereby directed to transmit to each State an account of their respective arrears in specie and in indents, to state to them the impediments that the public service has suffered, and the accumulation of foreign and domestic embarrassments that have arisen from their delinquency—to press upon them the absolute necessity of their making payment of their arrears of specie, as it is the only fund on which Congress can rely for the support of the federal government—and to remind those States who continue particularly delinquent, that they must be considered as responsible for all the evils which will inevitably flow from a disregard to the political obligations by which they are constitutionally bound.

Resolved, That such part of the requisitions of the years 1784, 1785, and 1786, as restricts the receipts at the public treasury of indents of interest without a certain proportion of specie—those parts which declare that after a certain day those States which have not paid their quotas shall be held to pay the same in specie—and such part as prevents the receiving of the indents issued in one year, in paying the taxes for another, be, and they are hereby repealed: —And it is hereby declared that the indents issued in 1784, 1785, and 1786, or under the present requisition, shall be indiscriminately received in payment of any State's quota of indents of interest.

CHAS. THOMSON, Sec'y.

* See Col. Rec., Vo'. XV., p. 300.

Sec'ry of Foreign Affairs to Pres. Franklin, 1787.

(Circular.)

Office for foreign affairs, 11th October, 1787.

Sir,

Although the Act of Congress of which the enclosed is a Copy, has been published, yet it appearing proper that your Excellency should receive it in an official Manner, I do myself the Honor of transmitting it under the same Cover with this, and am, with great Respect,

Your Excellency's Most
obdt. & humble Servant,

JOHN JAY.

Directed,

His Excellency the President of the Commonwealth of Pennsylvania.

John Stiles to Pres. Franklin, 1787.

Philad'a, Oct. 11, 1787.

Sir,

The Gunpowder Magazine is near full, at most it will not stow more than two hundred quarter Casks, and there is now delivering from on board a ship from Holland upwards of five hundred quarter Casks; in this dilemma, necessity compels me to trouble the hon. Council, in order to indemnify me from the Act of Assembly in storing the same, which cannot be otherwise done but through their honble Board.

I am, Sir, Your
obedient Servant,

JOSEPH STILES,
S. G. Mag.

Directed,

John Armstrong, Jun'r, Esq., Secretary to the hon. the Supreme Executive Council of State of Pennsylvania.

At the request of Joseph Stiles, Superintendent of the Gunpowder Magazine, we the subscribers have thoroughly examined the same, and report as our judgment, that it will not contain more than two hundred quarter Casks of Gunpowder, over and above what is now therein, which appears to us to be well and Carefully stowed; We

have also viewed the Guard house, and judge it will safely contain (fire excepted) four hundred Quarter Casks.

LEONARD DORSEY,
WM. SPROAT.

Oct. 11, 1787.
To whom it may concern.

Comm'rs on North'n Boundary, 1787.

Lake Erie, October 12th, 1787.

Dr. Sir,

We arrived here on the 8th, and the same day began our course of observations, which will probably be compleated in 5 or 6 days. The random Line passed between Le Beauf, and Presque Isle about 5 miles north of the former, and we conjecture about 6 miles south of the latter. Considering the unexpected difficulties we had to encounter for want of a competent knowledge of the Geography of the Country, the death of our Horses, time taken up in making Canoes, and treating with the Indians, our business has gone on beyond our most sanguine expectation, and without the intervention of some uncommon circumstance or accident will be compleated in 14 or 15 days. We divided the Line in such a manner as to make 6 stations at each of which we determined a point in the parallel of Latitude by about 36 observations. Neither attention or exertions have ever been wanting on our parts towards Scientific and permanent completion of the business entrusted to us, and the general behaviour and industry of our men has been such as to entitle them to our thanks.

We are Sir,
your humble Servants,
ANDREW ELLICOTT,
ANDREW PORTER.

Directed,
David Rittenhouse, Esquire.

Copy.

Instructions to Valentine Eckert, 1787.

In Council, Philadelphia, October 13th, 1787.

Sir,

It is the order of Council that seventy privates with a Captain two Lieut. Serjeants Corporals a drummer and fifer be immediately taken from the militia of Berks County and moved with all possible expedition to fort Allen, you are to accompany them thither and

remain with them 'till you have the further directions of Council, take particular care that they are well armed and accoutred, and properly officered—if you can procure old soldiers to go as volunteers on this expedition we would prefer it to your taking the militia by Classes; you will see that they are furnished with provisions to last them to Fort Allen, and for ten days after they reach that post. If you have no powder or lead you must purchase as much as to supply each man with fifty rounds; be careful on your march to the place of rendezvous that your are not surprized.

We send you an order for one hundred & fifty pounds, should you have occasion for a further sum you must inform and you will be supplied with what is necessary. We expect you will use your utmost diligence in marching the men and go to as little expence as the nature of the service will admit.

I am Sir, you obedient,
and very humble servant,
BENJAMIN FRANKLIN, President.*

Valentine Eckhart Esqr., Lieutenant, of the County of Berks.

Insructions to the Officer Commanding in Luzerne Co., 1787.

In Council, Oct. 16, 1787.

Instructions to the officer commanding the Militia to be sent into or raised in the County of Luzerne.

Sir,

The Intention of Government respecting the Force under your Command not being to act offensively against any Place, Person or Persons in that County, but merely to protect the Civil Officers in the Exercise of their Functions, and to secure the Peace of the County & the due operation of the Laws of the State against the Attempts of the disorderly Part of the People who have lately oppos'd the same, you are to take a special Care that your Men observe the strictest Discipline, neither injuring or molesting any of the Inhabitants in Person or Property.

And you are to take your Orders from the State Commissioners and the Civil Authority of the County.

And if Circumstances should appear to you on any occasion to require additional Force, you are to apply to the Lieutenant of the County for his Assistance; and are also to consult and advise with him in all Cases of Importance.

I am sir,
your very humble servt.
BENJAMIN FRANKLIN, Prest.

* See Col. Rec., XV. p. 295.

Instructions to the Commissioners in Luzerne Co., 1787.

In Council, Oct. 16, 1787.

Instructions to the State Commissioners now in the County of Luzerne for settling the Claims of Landed Property there, and to the Civil Officers of the said County.

Gentlemen,

The Council on Consideration of the late Disturbances in the County of Luzerne, and the opposition there given by some Disorderly People to the operations of Legal Government, have ordered a Company of Militia thither from the County of Berks, to be employed under your Direction in supporting the Civil Authority and protecting its officers in the Exercise of their Duties and the Execution of the Laws of the State; but not to be used in acting offensively, (unless impell'd by Necessity) against any Place, Person or Persons whatever; you are therefore to take the Direction of the said military Force, and to call on the Lieutenant of the County for such Addition thereto by drafts out of his Militia as you may judge necessary and convenient; and the whole being under your orders, you are to take especial Care that the strictest Discipline be observed, and that no Insult or Injury be offered or done to any of the Inhabitants, they behaving quietly and inoffensively as becomes good Citizens of the Commonwealth. And if any Circumstances should arise which may make it appear to you that a greater force is necessary to secure Peace and establish good order in the said County, you are to inform Council thereof by the speediest Means, that Bodies of Militia from other Counties may be sent to reinforce you accordingly.

Col. T. Pickering to S. Hodgdon, 1787.

Nazareth, Oct. 19, 1787.

Dear Sir,

I wrote you to day by Capt. Schott from Easton,* I think the intercepted letters of Hamilton & Benton† which are with Council, would be useful to me at Wyoming. I wish you therefore to get copies of them, & forward them by Mr. Evans, who indeed can easily obtain the copies, or may have leisure to make them himself, I shall be sorry to miss of them, & the sooner I have them the better.

On my arrival here this morning, I found that Jno. Scott & George had gone forward to Hallers, expecting I should go thither directly from Easton, This has obliged me to pursue them, & I am just returned. I have sent Jno. Scott forward on foot directly from

* See pages, Col. Rec., XV., p. 307.

† See pp., 175, 183,

Hallers, & I expect he will be in Wilkesborough, on Sunday. If there should be any ground to apprehend danger to my person, he is to come out to meet me, I shall accompany George with the waggon in which I shall put on a few of the goods remaining at Hallers.

4 o'clock P. M. George is just ready to start for Bethlehem for the waggon.

affectionally adieu,

T. PICKERING.

Directed,

Samuel Hodgdon Esquire, at Carpenters Hall Chestnut Street Philadelphia.

James Rinker to Gen. Richard Butler, 1787.

Copy of a letter from James Rinken to the Superintendant of Indian affairs for the Northern Department, dated,

Pittsburg, 23rd October, 1787.

Sir,

I hope by this time your leg is so strong that you will be soon here—I long to see you—The indians in general seem to be ill-disposed, towards the states—They are killing people about Wheeling on both sides of the river frequently. If you were here yourself it might have a good effect on them in keeping them quiet. I hope soon to have the pleasure of seeing you here, &c.

I am Sir, &c.,

(Signed) JAMES RINKEN.

Directed,

Gen. Richard Butler Esq., Superintendant Indians affairs, &c.

Council to Assembly, 1787.

In Council,

Philadelphia, October, 31st, 1787.

The Council, on further Consideration of the late Advices from the County of Luzerne, are of Opinion that it is necessary an Application be made to Congress for their Consent for raising and employing a body of Troops not exceeding five hundred* men, for the purpose of protecting the peaceable inhabitants of that County—should your

* See Col. Rec., Vol. XV., p, 307.

Hon^ble House be of the same Opinion, we wish you to authorize us to make the Application.

I am, Sir, with great respect,
yr. obed. & very h. Serv't,
CHARLES BIDDLE, Sec'y.*

Directed,—Hon. Tho^s Mifflin, speaker of Gen'l Assembly.

Pres. Franklin to Delegates in Congress, 1788.

In Council,
Philadelphia, October 31^st, 1787.

Gentlemen:

We inclose you a Copy of a resolve of the Legislature, and we wish an application be made to Congress as soon as possible for their Consent to raise the number of Troops mentioned in the resolve—should Congress comply with our request, please to inform us of it by the first opportunity.

I am, Gentlemen,
your obedient and very humble servant,
BENJAMIN FRANKLIN,
President.†

To the Hon'ble The Delegates of Pennsylvania.

Resolution of Assembly, 1787.

State of Pennsylvania.
Wednesday, October 31^st, 1787, A. M.

The Committee appointed October 29^th on that part of the Message and papers which respect the disturbances in the County of Luzerne, made report, which was read, and on motion and by special order the same was read a second time,—Whereupon

Resolved, as in the opinion of this House a permanent force of enlisted troops may be necessary to secure the peace of the County of Luzerne, that the Supreme Executive Council be authorized and requested to obtain the permission of Congress to raise any number of troops for the said purpose not exceeding five hundred men.

Extract from the minutes,
JACOB SHALLUS,
Assistant Clerk.

Copy,
JAMES TRIMBLE.

* Appointed secretary in place of General Armstrong October 23,—See Col. Rec., Vol. XV., pp. 301, 313.

† Benjamin Franklin was this day re-elected Pres. and Peter Muhlenburg Vice President—See Col. Rec., Vol. XV., p. 308.

V. P. Muhlenberg to Timothy Pickering, 1787.

In Council,
Philadelp. October 31st, 1787.

Sir,

Colo Dennison, on his arrival, laid before Council, several papers relative to the present situation of Luzerne County, together with a representation from the Magistrates. Council wish to take some time to deliberate on the necessary measures—but wish you, in the mean time, to inform the Magistrates & County Lieut., That a sufficient number of Troops will be sent in good time, if necessary, to take part at Tioga. Council have also commissioned Captn Ross, whose name was formerly omitted by mistake—Those other Gentlemen who were return'd, and not Commission'd, may still be brought forward—if it can be made appear to Council that They have not disqualified themselves by Opposition to Government—If you, therefore, in Conjunction with the County Lt & others, will make inquiry into the matter & report, Council will take order thereon.

The increase of Magistrates for Luzerne will be taken up by Council as soon as possible. Council wish further to inform you, that They have recd a Letter from Colo Buttler Apologizing for part of his Conduct during the late riot, & stating the reason for such Conduct; That Council are happy to find the charges agt Colo Buttler are on slight grounds, and flatter themselves He will, by his future Conduct, justify the Choice of Council in his Appointment. Council having likewise recd information That proper & legal notice was not given for the choice of the upper B. Militia Officers; They have therefore set aside the election & directed the Lieut. to order another.

I am, sir, your obedient
and very humble servant,

PETER MUHLENBERG, V. P.*

Board of War to Pres. Franklin, 1786.

War Office, 31st October, 1787.

Sir,

Agreeably to the acts of Congress of the 3d instant, for raising a body of troops to replace those now on the frontiers, I have the honor to inform your Excellency, that the following commissioned

* He was elected Vice President Oct. 31st, in place of Charles Biddle, to whom a vote of thanks was rendered Oct. 9,—See Col. Rec. Vol. XI, pp. 292, 308.

officers will be necessary for the quota of Pennsylvania, being conformably to the present arrangement—to wit:

1 Lieutenant Colonel Commandant,
3 Captains
3 Lieutenants } of Infantry.
3 Ensigns
1 Captain
1 Lieutenant } of Artillery.
1 Surgeon,
1 Surgeon's Mate.

It may be necessary to apprise your Excellency, that although Lieutenant Colonel Commandant Harmar has been honored by Congress with the brevet rank of Brigadier, yet he is still the Lieutenant Colonel Commandant of the Regiment, and his relation thereto continues the same, as if he had not received the brevet rank.

I beg leave to inform your Excellency that as the service of part of the troops will expire in the course of the ensuing year, it will be advantageous to the public, that the appointments of the officers take place at as early a period as possible, after the legislature shall have passed laws to raise the troops.

I have the honor to be,
With the highest respect,
Your Excellency's most obedient
and very humble serv't,

Directed, H. KNOX.

His Excellency the President of the Commonwealth of Pennsylvania.

James Marshel to Pres. Franklin, 1787.

Philadelphia, 6th Nov., 1787.

Sir,

From late and authentic Accounts from the County of Washington, two families, Consisting of seven persons in each, six of whom, in each family, have been lately killed and scalped, and the remaining two persons taken prisoners by the Indians. This Circumstance, together with others of a like nature, in the neighbouring Counties in Virginia, I find has much alarmed the Inhabitants of Washington County. We are at present in a very bad situation for Defence, and our Circumstances in general, more Especially that of the frontier Inhabitants, is such that very few are able to purchase even a Small Quantity of Ammunition. Besides, the frontier people of that County have suffered Considerably in the late war, and are by no means able to make so noble a stand as they then did. Permit

me therefore to observe, that if the Indians continue their Depredations as in all probability they will, it will be less expensive and much more advantageous to the state to support the present line of frontier than to suffer the enemy to penetrate into the Country. The Major part of the frontier Inhabitants are anured to the Business, and as to Indian Incursions are as much preferable to the people in the Interior parts of the State as old Veteran Troops are to young recruits. I would also observe that in Washington County we have a very extended frontier, I think not less than one hundred miles all equally exposed. That in my opinion it will require at least one hundred men even to watch the approach of the Enemy, and that if two hundred active woods men were employed under the command of Experienced Officers it would probably be a sufficient inducement to the frontiers to make a Stand. I well know the circumstances of the people on the frontiers and that however well disposed they may be to support the Goverment as well as preserve their property, yet I am assured that without the special aid of Goverment, a very Considerable part of Washington County will be 'Evacuated should the Indians make incursions on our, or the neighbouring frontiers next spring, the people do not believe the Indians will discriminate between Pennsylvanians and the citizens of any other State, and the fact is they have not done it in their late depredations, for the last family they destroyed lived within thirteen or fourteen miles of the Center of Washington County.

Since I began to write I have had an account of Another family being killed in Washington County, near Pittsburg; this will, no doubt, also alarm the people of Westmoreland County, as they are Equally Exposed with us, and I Believe are in no better situation for Defence. I hope, therefore, that your Excellency and your Hon'ble Board will provide for the preservation and safety of our frontiers, and that the people may have timely notice thereof, that Instead of preparing to remove to a place of safety, they may prepare such places of safety on the present line of frontiers as they may think most advisable.

I have the Honor to be,

With the highest Respect,

Your Excellency's most obedient

And very Humble servant,

JAMES MARSHEL,

Lieut. Wt. Co'y.

Directed,

On public service.

His Excellency, President Franklin, Philadelphia.*

* Col. Rec., XV. p., 317.

Valentine Eckert to Pres. Franklin, 1787.

Sir,

I have now the Satisfaction to inform you that I have (but with a great deal of Difficulty) so far accomplished your Orders as to have sixty men in readiness for a March, and expect to have the seventy (the number I was ordered to call out) in a short Time. Agreeable to your Orders I had two Classes of the Battallion called, whose turn it was to perform their Tour of Duty, and proposed to them either to turn out themselves or find Substitutes, but found the People so unwilling to go, and so quarrelsome that it was not in my Power to do any Thing with them the Day they had a Meeting, but in order to bring them too, I had some of them bound over to Court. I shall to Day set out with what men I have from Reading to Kutts Town, from whence I expect to March with my full Complement next Monday, at farthest, for Fort Allen.

I have the honor to be, Sir,

Your Excellencies most ob't,

And humble Servant,

VALENTINE ECKERT.

Reading, Nov. 9th, 1787.

Directed,

His Excellency, Benjamin Franklin, Esquire, Philada.

Resolution of Assembly, 1787.

State of Pennsylvania, In General Assembly.

Monday, November 12th, 1787, A. M.

The report of the Committee read November 9th, relative to the purchase of a tract of country on Lake Erie, was read the second time, whereupon

Resolved, That the Supreme Executive Council be authorised and requested to obtain, and lay before the General Assembly, a description of the lands lying between the northern boundary of this State and Lake Erie, with an Estimate of the sum necessary to purchase such part thereof as may be thought necessary to accommodate this State.

Extract from the Minutes.

J. SHALLUS,

As. Ck.

* See page 203.

Gov. Randolph of Va. to Pres. Franklin, 1787.

Richmond, November 14, 1787.

Sir,

I do myself the honor of inclosing to your Excellency the resolution of our legislature concerning the federal constitution.

I am Sir, with the highest respect,

your most obed't Servant,

EDW. RANDOLPH.

Directed,

His Excellency, The President of Pennsylvania.

Instructions to Nathan Dennison, 1787.

Philad'a, Nov. 15, 1787,

In Council.

Sir,

You are requested by the Council in your Way to Wyoming, to call at Fort Allen, and deliver to the Commanding officer of the Militia now at that Place the Instructions for him that are herewith put into your Hands: And that when you arrive at Wyoming, you will prepare the Minds of the People there, for the good & quiet Reception of the said Militia, by informing the Inhabitants that it is not sent to act offensively against any Person or Persons whatever, but merely to protect the civil officers of government in the Exercise of their respective Functions. Wishing you a good Journey, I am, with much Esteem,

Sir, your most obedient

& most humble Servant,

B. FRANKLIN, President.*

Directed,

Hon'ble Nathan Denison, Esq.

Petition of Thomas Lloyd to Pres. Franklin, 1787.

Philadelphia, Nov'r 15th, 1787.

May it please your Excellency,

Having engaged in a daily publication of the debates of the Members of the General Assembly which may furnish useful information to the Citizens of Pennsylvania,

* See Col. Rec., Vol. XV., p. 323.

I beg permission to supply the Hon'ble Supreme Executive Council with this work in the manner other periodical papers are admitted.

I have the honor to be,
with the greatest respect
Your Excellency's
most Obedient and
Very humble servant,
THOMAS LLOYD.

Directed,

His Excellency, Benjamin Franklin, Esq'r, President of the Supreme Executive Council.

Sam. Gordon to N. Dennison, 1787.

Wilkesbarry, 24th Nov'r, 1787.

Sir,

In my epistle to you whilst you were in Philadelphia I forgot to inform you of a certain Smith, a scotchman, long visaged, much broke with the small-pox; who I take to be one of McKinstry Beach Levingston's & Co's., emissaries, who taking me to be of a like turn of mind with himself informed me their intention was not to ask the protection of any state, that they ment to govern themselves, and if molested protect themselves against any, or all the states. If they found themselves unable to stand against the States, call for the assistance of the British, being an independent people, should have a right to request & receive the Protection of any state or Power.

In order to incourage Settlers to come into their country & settle, I see a writing in the hands of the above Smith signed by Mc Kinstry & Allen signifying that Each settler should have a certain Quantity of Land gratis, &c., &c. Subtill arguments are made use of to persuade the people to repair to a new Country to avoid the heavy Taxes their new masters lay on them, that they would be much easier under their former yoke.

I shall not trouble you with the arguments I have made use of to deswade some, who I think have seen their error.

I am S[r] your most obed't Serv't,
SAML. GORDON.

Directed,

Hon'ble N. Denison, Esq'r, Kingstown.

* See Col. Rec., Vol. XV., p. 345.

Secretary of Congress to Pres. Franklin, 1787.

Office of Secretary of Congress,
November 28th, 1787.

Sir,

I have the honor to transmit to your Excellency herewith enclosed, two setts of the Journals of Congress for last year, and two Copies of the continuation from the 20th September to the first Monday of the present month to compleat those already sent.

I am sorry to inform you that a sufficient number of states have not yet assembled to proceed to business and that your state is one of those unrepresented.

I am sensible the attention of the public is principally turned to the New Constitution proposed by the late Convention; but when your Excellency considers the situation of affairs both abroad and at home, that the flame of War seem to be kindling in Europe, and may reach our borders; that our peace with the Western and Southern Indians is in a very precarious situation and our frontier settlements in imminent danger; and when you are further informed that a public Minister is daily expected to arrive here from France, I humbly hope your Excellency will agree with me in opinion that the honor and the Interest of the Confederacy require a speedy and constant representation in Congress; and that you will use your endeavours to forward Delegates from your state as speedily as possible. With great Respect,

I have the honor to be,
Your Excellenc'y
most obedient and
most humble Servt.,
CHA. THOMSON.

Directed,

His Excellency, the President of Pennsylvania.

Col. And'w Porter, Comm'r, to Pres. Franklin, 1787.

Gentlemen:

I have the pleasure to inform Council that we have compleated the Northern boundary Line of this State; Enclosed you have our Report.* A Draught of the Line will be compleated in a few weeks & delivered to Council.

I am, with Respect,
Gentlemen your obedient
Humble Servant,
A. PORTER.

Philada., Nov. 28th, 1787.

Directed,

His Excellency, the President and Supreme Executive Council, Pennsylvania.

* Not found.

Thomas Scott, Trustee of Washington Academy to Pres. Franklin, 1787.

Philada., Decem. 15, 1787.

Sir,

Pursuant to the Act of General Assembly for incorporating and endowing Washington Academy pass'd,

Col. Marshall and myself, (two of the Trustees,) have on our application obtained the warrant for the Lands thus endowed, calling for them in the last purchase generally—trusting on the disposition of Council to promote so valuable an institution. I beg leave to request that your hon'ble Board will permit the Surveyor General to direct these Warrants to be laid in one of the Districts of Donation Lands. I am encouraged to make this request from information that the appropriation of those lands are satisfied, and from a wish to serve the Interest of the academy.

I have the honor to be,

your most obedient Servant,

THO. SCOTT.

Directed,

His Excell'y The President, or the Hon. the Vice President, In Council.

Wm. Armstrong to Council—Northern Boundary, 1787.

Philadelphia, Decem'r 17th, 1787.

Gentlemen,

In consequence of my appointment last April, I employed a numbar of Laboring Hands for the purpose of carrying on the necessary operations to compleat the Northern Boundary Line of this Commonwealth. Those men were employed at very low Wages, which they had every reason to believe would either be paid to them in hard money, or the value thereof in Paper. The time has now arrived for the settlement of their accounts: the business is attended with difficulty, and I have to request that your Honourable Body would admit such an addition to their Wages, or advise some other method that may do justice to the men and relieve your

H'ble Servt,

WM. ARMSTRONG.*

Directed,

To the Supreme Executive Council.

* See Col. Rec., Vol. XV., p. 356.

Andrew Ellicott to Council, 1787.

Philadelphia, December 19th, 1787.

Gentlemen,

Having been concerned in running all the Astronomical Boundaries of the Commonwealth, and possessed of all the Observations, (which are very numerous) used in determining the different limits of the State. In my opinion now the business is compleated, it will be necessary to have some record, or rather a publication of the Observations, together with the methods that were pursued on that occasion; not only for the satisfaction of the parties concerned, but also for the advantages which the science of Astronomy may derive from such a publication. I shall be happy in having a conference with any Gentlemen of your Body on this subject, and have no doubt but it may be made advantageous both to the State and to

your H'bl Servt.,

AND'W. ELLICOTT.

P. S. I will undertake arranging the Astronomical Observations by which the boundaries of the State were determined, and also add such Observations as we made on the Soil and Natural History of the Country thro' which we passed, for the Sum of £150, hard Money, or the value thereof in Paper, one half of the money to be advanced, and the other half to be paid when the work is finished—the work to be the property of the State, and ready for publication on or before the first day of June next.*

A. E.

Directed,

His Excellency, the President, and Supreme Executive Council of the Commonwealth of Pennsylvania.

Obadiah Gore and Matthias Hollenbach to Pres. Franklin, 1786.

We have made it a matter of Enquiry of the necessity of the State keeping up Troops to secure the Allegiance of the Insurgents of this Country, and have Consulted a number of those We Esteem friends to Government—am Informed from Good authority that it is the Determination of the leaders of the Insurgents to get on as many half Sharemen (so called) as possibly they can in the spring, & possess themselves of all the lands Capable of Cultivation that is not now Occupy'd, and set up their Claim and support it in their way.

Now whether it wou[d] not be policy to send a Company Immediately to Tioga, Inlisted for one year, unless sooner Discharged, and let the reasons be published why they are sent, which will prevent

* Ellicott's Journal?

in a Great measure people being prevailed on to commence half sharemen by mischievous Designing persons to Engage in that undertaking, and turn the Drift of them another way. Should the Troops (under smart, active Officers,) continue there until about the first of June next, while people Generally Get settled for a season's work, it is highly probable they may be Discharged.

It is but of little consequence to continue the troops here, as it does not secure the allegiance of the Insurgents at Tioga, (where they chiefly are and Going) but the Troops being there secures the whole. We should have advised to the measure of removing the Troops which are now here to Tioga, but the time of their Inlistment was so short we apprehended it wou[d] have been attended with a bad consequence unless we were sure of a relief arriving Immediately upon the Expiration of their Inlistment.

This County from the Nescopeck to the north line of the State is about 120 miles, and only six magistrates within it, we should suppose an additional number wou[d] be Necessary, and could Messrs. Buck & Hurlbutt be Commissioned on their former appointment it might answer a Good purpose, as there is some complaints among the militia officers who have not received their Commissions, that the Councill have received some unfavourable Information against them. Wou[d] it not be adviseable to Order a board of Enquiry, that the aggreaved party may Exonerate themselves by Testimony, and by that means the Councill may be Informed of facts, and capable of Doing Justice to the parties.

We are, Sir,
your most Obedient,
Humbl. Servts',
OBA[d] GORE,
M. HOLLENBACH.

Directed,
His Excellency, the President in Council.
Indorsed,
Dec. 22d, 1787.

Lt. Col. Josiah Harmar to Pres. Franklin, 1787.

Fort Harmar at the Mouth of the Muskingum,
December 23d, 1787.

Sir,

I have the honor to enclose to your Excellency & the Honorable, the Council, a Return of the Pennsylvania Troops in the Service of the United States, dated this day.

The Secretary at War informs me that Congress, by their Act of the 3d October last, have been pleased to call upon the same States to raise the same number of men for three years, in order that the present officers might be retained in service.

By Mr. Melchior your Excellency's Letter was received, likewise one from the honorable, the Vice president, General Mifflin, & the honorable Charles Biddle, Esq., the Secretary; all in favor of this young Gentleman for the appointment of an Ensigncy. Previous to the receipt of these Letters I was induced in my Letter of the 7th August to recommend to your Excellency, Mr. Robert Thomson, a Son of the late General Thomson's, to fill the first vacancy. He was warmly recommended to me by General Irvin & several others of his acquaintance.

From the powerful recommendations in favour of Mr. Melchior, it would be presumption in me to urge the matter further, as the appointments rest solely with your honorable body.

If it meets the approbation of your Excellency & the honorable Council, the following is the new arrangement which I wish to take place in our State, for the 1st United States Regiment, viz.

JOSIAH HARMAR, } Lt. Col. Com't & Brigadier General by Brevet.

Captain William Ferguson, Artillery.
Captain David Zeigler, Infantry.
Captain William M'Curdy, ditto.
Captain Joseph Ashton, } Infantry.—Vice Captain Finney resigned 1st September.
Lieutenant Ercurius Beatty, Infantry.
Lieutenant Thomas Doyle, ditto.
Lieutenant John Armstrong, ditto.
Lieutenant Edward Spear, Art'y, Vice Lt. Aston promoted.
Ensign Ebenezer Denny, Infantry.
Ensign Nathan M'Dowell, ditto.
Robert Thomson, } One of them to be Ensign in the Infantry.
Jacob Melchoir. } Vice Ensign Spear promoted.
John M'Dowell, Surgeon, } It is uncertain whether he will continue in Service or not.
Richard Allison, Surgeon's Mate.

Either Mr. Thomson or Mr. Melchior, which ever your Excellency & the Honorable Council shall judge most proper, will fill the vacancy occasioned by Captain Finney's resignation. If Doctor M'Dowell declines the service, Doctor Allison, the mate, is, I believe, in every respect qualified to succeed him.

I have the honor to be,
With the highest esteem & respect,
Your Excellency's & the honorable
Council's most h'ble & obt. Ser't,
JOS. HARMAR,
Lt. Col. Com. 1st U. S. Reg., & Brig. Gen. by Brevet.

Directed,

His Excellency, Benjamin Franklin, Esq., President, & the honorable, The Supreme Executive Council Pennsylvania.

Return of the Pennsylvania Troops in the service of the United States, Commanded by Brigadier General Josiah Harmar, 1787.

COMPANIES.	OFFICERS. Field. Lieut. Colonel Commandant.	Commiss'd. Captains.	Commiss'd. Lieutenants.	Commiss'd. Ensigns.	Staff. Surgeon.	Staff. Mate.	Non Com'd. Serjeants.	Non Com'd. Corporals.	Non Com'd. Music.	Privates.	Total, including non-commissioned and privates.
At Fort Harmar, Capt. Zeigler's,	1	1	1	1	1		3	4	2	53	62
At Fort Harmar, Capt. McCurdy's,		1	1	1			3	4	2	42	51
At the Rapids of the Ohio, return dated 28th Oct., Late Capt. Finney's,			1	1		1	4	2	2	51	59
At Venango, McIntosh and Post Vincennes, return dated, 1st Oct. Capt. Furgusons,		1	1				3	3	2	42	50
Total.	1	3	4	3	1	1	13	13	8	188	222
Wanting to Complete,		1					2	2		34	38
Establishment,	1	4	4	3	1	1	15	15	8	222	260

Fort Harmar, at the mouth of the Muskingum, December 23d, 1787,

Attest, E. DENNY, Ens'n and Adj't. JOS. HARMAR, Lt. Col. Com., & Brig Gen. by Brevet.

N.B. Forty of Capt. Furguson's Company are at Post Vincennes.

French and American Commerce, 1787.

LETTRE de M. Lambert, Conseiller d'Etat & au Conseil royale de Finance & de Commerce, Contrôleur général des finances, à M. Jefferson, Ministre plénipotentiaire des Etats-Unis d'Amérique près de Sa Majesté Très-Chrétienne.

Versailles, 29. Décembre 1787.

J'ai l'honneur, Monsieur, de vous envoyer une copie de l'Arrêt qui vient d'être rendu au Conseil pour l'encouragement du Commerce des Etats-unis de l'Amérique en France. Je vous en ferai passer un certain nombre d'exemplaires, aussitôt qu'il sera imprimé.

Vous y verrez que plusieurs faveurs considérables qui n'avoient point encore été promises au Commerce Américain, ont été ajoutées à celles que le Roi vous avoit fait annoncer par la lettre qui vous a été écrite le 22 Octobre de l'année dernière.

Si dans l'intervalle, quelques droits ont été perçus contre les dispositions de cette lettre, ils seront restitués sur la représentation des acquits.

J'ai donné ordre aussi que l'on vérifiât les faits au sujet desquels on vous a rapporté que la décision du 24 Mai 1786, relativement au commerce du Tabac, n'avoit pas eu une entière exécution. Vous pouvez être assuré que, s'il est prouvé qu'on se soit écarté des engagemens pris avec la sanction

LETTER from M. Lambert, Councellor of State & of the Council royal of Finance & Commerce, Comptroller general of finance to M. Jefferson, Minister plenipotentiary for the United States of America at the Court of Versailles.

Versailles, December 29, 1787.

I have the honour, Sir, to send you a copy of an Arret passed in Council, for encouraging the Commerce of the United States of America in France. I shall furnish you with a number of others as soon as they shall be printed.

You will therein see that several considerable favors, not before promised to the American Commerce, have been added to those which the king announced to you, in the letter addressed to you on the 22d. of October of the last year.

If in the mean time any duties have been levied, contrary to the intentions of that letter, they shall be repaid on sight of the vouchers.

I have also ordered a verification of the facts whereon it was represented to you, that the decision of the 24 of May 1786, relative to the Commerce of tobacco, had not been fully executed. Be assured that if it shall appear that engagements have been evaded, which were taken

du Roi, il sera scrupuleusement pourvu à y satisfaire.

Vous apprendrez encore avec plaisir que les mesures que j'ai prises pour prevénir l'interruption du commerce des tabacs ont eu un plein succès.

Cette marchandise ne sera point exceptée de celles auxquelles l'entrepôt est accordé. La Ferme générale ne jouira d'aucune préférence pour l'achat, & les propriétaires seront complètement les maîtres de leurs spéculations, & d'envoyer leurs tabacs par mer à l'Etranger.

Il sera seulement pris des mesures pour prévenir les fraudes auxquelles l'entrepôt pourroit servir de prétexte, & les chambres du commerce des ports seront consultées pour que les précautions nécessaires ne soient pas incompatibles avec la liberté dont le Commerce doit jouir dans ses opérations.

Quoique l'approvisionnement actuel de la Ferme générale se monte à environ trois années de sa consommation, j'ai engagé cette Compagnie à continuer d'acheter par année, à compter du 1er Janvier 1788, jusqu'à la fin de son bail, quatorze mille boucauds de tabac directement apportés dans les ports de France sur bâtimens François ou Américains, & de justifier tous les quatre mois que cet achat sera monté au moins à *quatre mille six cents soixante & six boucauds.*

Quant aux prix, vous avez senti vous-même la necessité de les laisser libres; & cette liberté des prix a éte le premier objet des demandes

under the sanction of the king, effectual provision shall be made for their scrupulous fulfillment.

You will learn also with pleasure that the measures I have taken to prevent the interruption of the Commerce of tobacco, have had full success.

This commodity shall not be excepted from among those to which the right of entrepot is given. The farmers general shall have no preference in the purchases, the proprietors, shall be perfectly masters of their speculations, and free to export their tobaccoes by sea to foreign countries.

Measures only must be taken to prevent those frauds to which the entrepot might serve as a pretext; and the chambers of commerce for the ports shall be consulted, in order that the precautions necessary for this purpose, may not be in a form incompatible with that liberty which Commerce ought to enjoy in its operations.

Although the present stock of the farmers general amounts to about three years consumption I have engaged that company to continue to purchase yearly from the 1st day of January 1788, to the end of their lease fourteen thousand hogsheads of tobacco brought directly into the ports of France in French or American bottoms, and to shew at the end of every four months that their purchases amount to four thousand six hundred and sixty six hogsheads.

As to the prices, you have been sensible yourself of the necessity of leaving them free; and this freedom of price was the principal

faites par les négocians Américains & François, lors des réclamations qui se sont élevées contre le traité de M. Morris.

La résolution prise alors de forcer les approvisionnemens, quoiqu'à prix onéreux, au point qu'il en résulte que la ferme générale est maintenant approvisionnée pour trois années, montre combien l'intérêt des planteurs & négocians des Etats-Unis de l'Amérique a toujours été précieux au Roi.

L'arrêt du Conseil joint à cette lettre & les autres dispositions dont j'ai l'honneur de vous faire part, confirment de plus en plus une vérité si propre à resserrer tous les liens qui unissent les deux nations.

J'ai l'honneur d'être avec un très-sincère & inviolable attachement, Monsieur, votre très-humble & très-obéissant serviteur.

Signé LAMBERT.

object of the applications of the American and French merchants when they complained of the contract of M. Morris.

The determination then taken to force the purchases of tobacco, tho' at hig hprices, insomuch that the farmers general now find themselves possessed of three years provision, shews that the interests of the planters and merchants of the United States of America have ever been precious to the King.

The arret of Council herein inclosed, and the other regulations which I have the honour of communicating to you, are a further confirmation of a truth tending so much to strengthen the bands which unite the two nations.

I have the honour to be with a very sincere and inviolable attachment, Sir, your most humble and most obedient servant.

Signed LAMBERT.

French Act in Relation to Commerce, 1787.

ARRÊT

DU CONSEIL d'ETAT DU ROI

Pour l'encouragement du Commerce de France avec les Etats-Unis de l'Amérique.

Du 29 Décembre 1787.

Extrait des Registres du Conseil d'Etat.

LE ROI voulant encourager le Commerce de ses Sujets avec les Etats-Unis de l'Amérique, & faciliter entre les deux Nations des relations réciproquement utiles: Ouï le rapport du sieur Lambert, Conseiller d'Etat, & ordinaire au Conseil royal des Finances & du commerce, Contrôleur général des finances, *Sa Majesté étant en son Conseil*, a ordonné & ordonne ce qui suit:

ARTICLE PREMIER.

LES huiles de baleine, & le spermaceti qui proviendront de la pêche des citoyens & habitans des Etats-Unis de l'Amérique, & seront apportés en France directement sur Vaisseaux François ou sur Vaisseaux des Etats-Unis, continueront à n'être soumis qu'à un droit de Sept livres dix sous par barrique du poids de cinq cens vingt livres, & les fanons de baleine ne le seront qu'à un droit de Six livres treize sous quatre deniers par quintal, avec les dix sous pour livre en sus de l'un & l'autre droit, lesquels dix sous pour livre cesseront au dernier décembre mil sept cent quatre-vingt-dix; se réservant, Sa Majesté, d'accorder de plus grandes faveurs aux produits

AN ACT

OF

THE KING'S COUNCIL OF STATE.

For the encouragement of the Commerce of France with the United States of America.

December 29, 1787.

Extract from the records of the Council of State.

THE KING desirous of encouraging the commerce of his subjects with the United States of America and of facilitating between the two Nations connections reciprocally useful: Having heard the report of the sieur Lambert, Counsellor of State and of the Royal Council of finance and commerce, Comptroller general of finance, HIS MAJESTY BEING IN HIS COUNCIL, has ordained and does ordain as follows:

ARTICLE FIRST.

WHALE-OILS and spermaceti, the produce of the fisheries of the citizens & inhabitants of the United States of America, which shall be brought into France directly in French vessels or in those of the United States shall continue to be subjected to a duty only of seven livres ten sols the barrel of five hundred and twenty pounds weight, & whale fins shall be subject to a duty of only six livres thirteen sols four deniers the quintal with the ten sols per livre on each of the said duties; which ten sols per livre shall cease on the last day of December one thousand seven hundred & ninety; His Majesty reserving to himself

de la pêche de la baleine exercée par les Pêcheurs des Etats-Unis de l'Amérique, qui seront apportés en France par Vaisseaux François ou des Etats-Unis, dans le cas où d'après les renseignemens que Sa Majesté fait recueillir, Elle le jugeroit convenable aux intérêts des deux Nations.

II.

Les autres huiles de poisson, & les poissons sécs ou salés provenant de même de la pêche des citoyens & habitans des Etats-Unis, & apportés de même directement en France par leurs Vaisseaux ou par Vaisseaux François, ne payeront autres ni plus forts droits que ceux auxquels sont ou seront soumis, dans le même cas, les huiles & poissons de la même espèce, provenant de la pêche des Villes anséatiques ou des autres Nations les plus favorisées.

III.

La fabrication des chandelles ou bougies de spermaceti ou blanc de baleine, sera permise en France comme celle des autres chandelles & bougies.

IV.

Les grains, fromens, seigle, riz, pois, fêves, lentilles, graines, les farines, les arbres & arbustes, les potasses, connues sous le nom de *pot-ash* & *pearl-ash*, les peaux & poils de castor, les cuirs en poil, les fourrures & pelleteries, & les bois de construction apportés des Etats-Unis directement en France sur Vaisseaux François ou des Etats-Unis, ne seront soumis qu'à un droit d'un Huitième pour cent de la valeur.

to grant further favors to the produce of the whale fisheries carried on by the fishermen of the United States of America which shall be brought into France in French vessels or in those of the United States, if, on the information which His Majesty shall cause to be taken thereon, he shall judge it expedient for the interest of the two Nations.

II.

The other fish-oils and dry or salted fish, the produce in like manner of the fisheries of the citizens & inhabitants of the United States, & brought also directly into France, in their, or in French vessels, shall not pay any other nor greater duties than those to which the oils & fish of the same kind, the produce of the fisheries of the Hanseatic towns, or of other the most favored Nations, are or shall be subject in the same case.

III.

The manufacture of candles and tapers of spermaceti shall be permitted in France, as that of other candles & tapers.

IV.

Corn, wheat, rye, rice, peas, beans, lentils, flax-seed and other seeds, flour, trees and shrubs, pot-ash and pearl-ash, skins and fur of beaver, raw hides, furs and peltry, and timber brought from the United States directly into France, in French vessels or in those of the United States, shall not be subject but to a duty of one eighth per cent on their value.

V.

Tout Navire qui ayant été construit dans les Etats-Unis, sera ensuite vendu en France, ou acheté par des François, sera exempt de tous droits, à la charge de justifier que ledit Navire a été construit dans les Etats-Unis.

VI.

Les thérébentines, brais & goudrons, provenant des Etats-Unis de l'Amérique, apportés directement en France par Vaisseaux François ou des Etats-Unis, ne payeront qu'un droit de Deux & demi pour cent de la valeur, & seront les droits mentionnés, tant au présent article qu'en l'article IV, exempts de toute addition de sous pour livre.

VII.

La sortie des armes de toute espèce & de la poudre à tirer pour les Etats-Unis de l'Amérique, sera toujours permise sur Vaisseaux François ou des Etats-Unis, en payant, à l'égard des armes, un droit d'un Huitième pour cent de la valeur, & la poudre, en ce cas, sera exempte de tous droits, en prenant un acquit à caution.

VIII.

Les papiers de toute espèce, même ceux destinés pour tenture & *dominoterie*, les cartons & les livres, seront exempts de tous droits à leur embarquement pour les Etats-Unis, sur Vaisseaux François ou des Etats-Unis & jouiront, en ce cas, da la restitution des droits de fabrication sur les papiers & cartons.

IX.

Les droits d'Amirauté sur les Vaisseaux des Etats-Unis, entrant

V.

Vessels built in the United States and sold in France, or purchased by Frenchmen shall be exempt from all duties on proof that they were built in the United States.

VI.

Turpentine, tar and pitch the produce of the United States of America and brought directly into France in French vessels or in those of the United States shall pay only a duty of two and a half per cent on their value, and as well the duties mentioned in this as in the fourth article shall be exempt from all additions of sous per livre.

VII.

The exportation of arms of all forts, and of gunpowder for the United States of America, shall be always permitted in French vessels or in those of the United States, paying for the arms a duty of one eighth per cent on their value: and gunpowder in that case shall be exempt from all duty on giving a cautionary bond.

VIII.

Papers of all sorts, even paper hangings and coloured papers, pasteboard and books shall be exempt from all duties on their embarcation for the United States of America, in French vessels or in those of the United States, and shall be entitled in that case to a restitution of the fabrication duties on paper and pasteboard.

IX.

The Admiralty duties on the vessels of the United States en-

ou sortant des ports de France, ne pourront être perçus que conformément à l'Edit du mois de juin dernier, pour les cas qui y sont portés, & aux Lettres-Patentes du 10 janvier 1770, pour les objets auxquels il n'auroit pas été pourvu par ledit Edit; se réservant au surplus Sa Majesté, de faire connoître ses intentions sur la manière dont lesdits droits seront perçus, soit à raison du tonnage des Vaisseaux ou autrement; comme aussi de simplifier lesdits droits d'Amirauté, & de les régler autant qu'il sera possible sur le principe de la réciprocité, aussitôt que les travaux ordonnés par Sa Majesté, aux termes de l'article XXVI dudit Edit du mois de juin dernier, seront achevés.

tering into, or going out of the ports of France, shall not be levied but conformably with the Edict of the month of June last in the cases therein provided for, and with the Letters-patent of the tenth of January one thousand seven hundred and seventy for the objects for which no provision shall have been made by the said Edict: His Majesty reserving to himself moreover to make known his intentions as to the manner in which the said duties shall be levied, whether in proportion to the tonnage of the vessels or otherwise, as also to simplify the said duties of the Admiralty and to regulate them as far as shall be possible on the principle of reciprocity, as soon as the orders shall be completed which were given by His Majesty according to the twenty-sixth article of the said Edict of the month of June last.

X.

L'ENTREPÔT de toutes les productions & marchandises des Etats-Unis, sera permis pour six mois dans tous les ports de France ouverts au Commerce des Colonies; & ne sera ledit entrepôt soumis qu'à un droit d'un Huitième pour cent.

X.

THE entrepot (or storing) of all the productions and merchandize of the United States shall be permitted for six months in all the ports of France open to the Commerce of her Colonies; and the said entrepot shall be subject only to a duty of one eighth per cent.

XI.

POUR favoriser l'exportation des armes, des quincailleries, des bijouteries, des bonneteries, de laine & de coton, des gros lainages, des petites draperies & des étoffes de coton de toute espèce, & autres marchandises de fabrique Françoise, qui seront envoyées aux Etats-Unis de l'Amérique sur Vaisseaux François ou des Etats-Unis, Sa Majesté se réserve d'accorder des encouragemens, qui

XI.

To favour the exportation of arms, hardware, jewellery bonnetery (*), of wool and of cotton, coarse woollens, small draperies and stuffs of cotton of all sorts, and other merchandizes of French fabric, which shall be sent to the United States of America, in

(*) This term includes bonnets stockings, socks underwaist coats, drawer gloves and mitaines as sold by the bonnetiers.

seront incessamment réglés en son Conseil, selon la nature de chacune desdites marchandises.

XII.

Quant aux autres marchandises non dénommées au présent arrêt, apportées directement en France des Etats-Unis, sur leurs Vaisseaux ou sur Vaisseaux François, ou portées de France auxdits Etats-Unis, sur Vaisseaux François ou des Etats-Unis, & à l'égard de toutes conventions de Commerce quelconques, veut & ordonne Sa Majesté, que les citoyens des Etat-Unis jouissent en France des mêmes droits, priviléges & exemptions que les sujets de Sa Majesté, sauf l'exécution des dispositions portées par l'article IX ci-dessus.

XIII.

Sa Majesté accorde aux citoyens & habitans des Etats-Unis, tous les avantages dont jouissent ou pourront jouir à l'avenir les Nations étrangères les plus favorisées dans ses Colonies de l'Amérique, & de plus Sa Majesté assure auxdits citoyens & habitans des Etats-Unis, tous les priviléges & avantages dont ses propres sujets de France jouissent ou pourrent jouir en Asie & dans les Echelles qui y conduisent, pourvu toutefois que leurs bâtimens ayent été armés & expédiés dans un des ports des Etats-Unis.

Mande & ordonne Sa Majesté à Mons. le Duc de Penthièvre, Amiral de France, aux sieurs Intendans & Commissaires départis

French vessels or in those of the United States, His Majesty reserves to himself to grant encouragements which shall be immediately regulated in his Council, according to the nature of each of the said merchandizes.

XII.

As to other merchandizes not mentioned in this act, brought directly into France from the United States in their or in French vessels, or carried from France to the said United States in French vessels or in those of the United States, and with respect to all commercial conventions whatsoever His Majesty wills and ordains that the citizens of the United States enjoy in France the same rights, privileges and exemptions with the subjects of His Majesty: saving the execution of what is provided in the ninth article hereof.

XIII.

His Majesty grants to the citizens and inhabitants of the United States all the advantages which are enjoyed or which may be here after enjoyed by the most favored nations in his Colonies of America and moreover His Majesty assures to the said citizens and inhabitants of the United States all the privileges and advantages which his own subjects of France enjoy or shall enjoy in Asia and in the scales leading thereto: provided always that their vessels shall have been fitted out and dispatched in some port of the United States.

His Majesty commands and orders M. le duc de Penthievre, Admiral of France, the Intendants and commissaries de parti

dans les provinces, au Commissaire départi pour l'observation des Ordonnances dans les Amirautés, aux Officiers des Amirautés, Maîtres des ports, Juges des traites, & tous autres qu'il appartiendra, de tenir la main à l'exécution du présent Règlement, lequel sera enregistré aux Greffes desdites Amirautés, lû, publié & affiché par-tout où besoin sera.

FAIT au Conseil d'Etat du Roi, Sa Majesté y étant, tenu à Versailles le vingt-neuf décembre mil sept cent quatre-vingt-sept.

Signé LE C.TE DE LA LUZERNE.

in the provinces, The commissaries de parti for the observation of the ordinances in the admiralties, the officers of the admiralties masters of the ports, judges des traites, and all others to whom it shall belong to be aiding in the execution of the present regulation which shall be registered in the offices of the said admiralties read published and posted whereever shall be necessary.

DONE in the King's council of State, His Majesty present, held at Versailles the twenty ninth of December one thousand seven hundred and eighty seven.

Signed LE CTE. DE LA LUZERNE.

JAMES O'HARA TO PRES. FRANKLIN, 1787.

Philadelphia, Dec'r 31st, 1787.

His Excellency, The president of the Executive Council.

Sir,

Having the Contracts for supplying the Troops in the Western Country with provisions, I beg leave to represent, That on application being made to the Board of Treasury at New York, for a Balance now due for Issues they were under the necessity of drawing on their Loan officer in this City, for seven thousand Dollars, declaring it impracticable to support the Troops any longer, should this mode be rejected. I accepted of this on the Board's assureing me that Pennsylvania had offered me a payment of Twenty thousand dollars on account of Clothing (which was procured by other means) and that they have no doubt but this offer would be continued for the use of the provision contract, it being more necessary for their support. That on producing those drafts for payment the officer of Loans says he has not the means in his power. I therefore take the liberty to request, That the Honorable Council will please to allow so much of the money directed to be paid, on Contract for Clothing, as amounts to the drafts in my favor, that I may be enabled to complete the contracts for the frontiers, which public delinquency

will render Impossible, having already Issued six months without any proportionable payments.

I have the Honor to be
with due respect,
your Excellency's
most obed't Hl. Serv't,
JAMES O'HARA.

Directed,

His Excellency the president and the Hon'ble Executive Council, Philadelphia.

Indorsement,

Council wish to know, whether this state is clear of the Contract for Clothing, & how far They are able to comply with the request of Capt. O'Hara. Compt'r Genl's office, Jan'y 8, 1787.

By a letter from the Board of Treasury I find that this State is clear of the cloathing contract. That money was an anticipation upon other funds, but If the Hon'ble The Council should apply 7,000 dollars of it for paying for rations for the troops, I believe that it may be paid in such time as will suit Colo. O'Harra with whom I have conversed on the subject.

JNO. NICHOLSON.

Comptroller General to Capt. James McLean, 1788.

Sir,

Smuggling it is suspected is again practiced at this place and a number of Waggons are expected to come in with run goods to a certain store in this city before day on Monday or Tuesday morning next. The naval will watch with the Informer and designs to seize the goods and the Waggons & Horses, it will be at a dead of the night, when unless he hath some assistance the Waggoners may get off with the teams perhaps the goods also, and the officer may not only be frustrated, but he himself Insulted and knocked down or abused, he therefore will probably need a *posse Comitatus* to enable him to discharge the duty required of him by law, and hath mentiond to his desire to have some of the guard if they should be necessary, you will therefore please to direct that a sufficient number may tomorrow night & the next be at the Guard house and not be absent therefrom but ready at a minute's notice to go with the naval officer upon his application for the purpose afores'd your indisposition will prevent you from attending personally to this business yourself and it requires the most profound secrecy, therefore the Sergeant to whom the management of the men must be committed

* See Col. Rec., Vol. XV., p. 367.

must not know of it 'till pretty late tomorrow afternoon and then a prudential caution given that no Information be communicated. There are already pretty evident proofs of a quantity of goods brought last night in Waggons but by waiting a little longer it is expected to effect a *Coup De main*, after what is said above I need not repeat my request that you keep this matter secret.

I am Sir,
your obdt. Servt.

JOHN NICHOLSON,
Jan. 5 1788, Comptr. Gen. office.

Capt. James McLean to Pres. Franklin, 1788.

Philadelphia Jany. 7th, 1788.

Sir,

I have Just now been honored with an order from the Supreme Executive Council dated the 5th Inst of which the following is a Copy viz.

In Council, Philadelphia Jany. 5th, 1788.

Council having by their Resolution of the 22d day of March, 1786, and agreeably to an act of assembly dated the 22nd of September 1785 directed the Comptroller General to incorporate a Corps of invalid pensioners for the express purpose of Guarding the public offices in the State house* to consist of one Lieutenant, two Sergeants & eighteen privates. Resolved, That the Corps so established be contintued and the Lieut. as commanding Officer is hereby directed to consider the protection of the different public offices in the State house and the Treasury as his first principal duty, and that in extraordinary cases he apply to the President in Council for directions & orders.

Extract from the Minutes, &c.*

I had recd. from the Comptroller General on Saturday last the orders contained in the letter of which I have the Honor herewith to inclose your Excellency a Copy.—I am myself confined by sickness to my room but have given orders to my first Serjeant to be ready conformably to the directions I have recd. from the Comptroller General & wait your Excellency's orders to know now what to do, and whether I shall direct or prevent their going with the naval officer if called on by him. I am your Excellency's

most obdt. Hble. Servt.

JAMES McLEAN.
Directed, Com. Pena. Guards

To His Excellency the President in Council.

* See Col. Rec., XV. p.,365, 366.

Pres. Franklin to Capt. J. McLean, 1788.

Jan. 9, 1788.

(Copy.)

Sir,

Not being in Council when the order of which you have sent me a Copy was issued, I am not well apprised of its motives & Intentions. I cannot now see the Council till their Meeting to morrow morning. In the meantime, I think it would be well for you to communicate to the Comptroller the order you have received, that so the Naval officer not depending on the assistance of your Men, may apply to the Sheriff.

I am Sir,
your hum. Servt.

B. F.

Directed,

James McClean Esq., Capt. of the Pen. Gds.

Pres. Franklin to V. P. Muhlenberg, 1788.

Tuesday Morng. Jan. 8, 1788.

Sir,

Being unable to come to Council this Morning as I intended, I send the inclosed Letter which I received yesterday Evening from Capt McLean. As I conceived it a serious Business to invade the House of a Citizen at Midnight with armed Men, on Suspicion of Smuggling, I did not think it fit to advise a Compliance with the Requisition of the Comptroller, especially after such an order had passed the Council; and therefore wrote what I send you a a Copy of. You will with the Council give such Directions as shall appear proper on the occasion.

With great Respect,
I am Sir,
Your most obedt. servant,

B. FRANKLIN.

Directed,

Honble. the Vice President.

Wm. Bradford, Jr. to Pres. Franklin, 1788.

Jan. 10th, 1788.

Sir,

I perceive by a publication in the Pennsylvania Packet, signed Richard Wells, that a charge against me has been made by that Gentleman to the Supreme Executive Council. In his Memorial respecting the Comptroller General, he evidently accuses me of a Violation of my publlc duty in accepting fee, on the prosecution of several information, in the name of Frederick Phile, quitam, &c. To your Excellency and the Council, who understand the nature of my connection with the public and the duties incumbent on me; this charge must have appeared absurd and extravagant; and as I have hitherto received no intimation of it from your honorable body, I presume it has been considered as unworthy of notice. If, however, the memorial which contains it should be suffered to remain on your files, I must take the liberty of requesting that this letter may remain there also, that those who may hereafter read the accusation may be able to determine on its Justice.

That my official duty does not call upon me to assist in the prosecution of any quitam information will appear from the opinion which I have the honor to enclose. It is subscribed by all the Judges of the Supreme Court that are, at present in Town. These suits may be, and generally are instituted, without authority from the Council or the knowledge of the Attorney General. They are conducted at the private risque of the informer; and by such Council as he chuses to employ. He alone is answerable for all costs & expences & liable for all damages to the party injured in case he should fail. Till the sentence of condemnation passes, he fights the Battle alone, unaided by the State, which has never in a single instance borne any part of the expence incurred on an unsuccessful information. Whenever I happen to be retained in these causes I appear as council for the informer: I receive my recompence from him & not from the State; and whether a proportionable part of this and the other Expences, shall be borne by the Commonwealth is a matter in which I am not at all interested. Hitherto, indeed, it has been considered as reasonable that the informer who runs all the hazard & encounters all the Difficulties & unmerited reproach attendant on the prosecution, should receive his legal Proportion out of the nett product of the forfeiture: the expences of the prosecution being first deducted & the residue divided as the law directs. Whatever the state thus receives, it acquires (by the private Exertion, of the Individual who prosecutes;) without any risk or Expence on the part of the public. And as these forfeitures are established for the great purposes of Punishment & Example, not of immediate revenue, these ends wou'd be answered, & the Commonwealth essentially

benefited, even if the whole forfeiture had been given by the act to the informer.

The suit against the Ship Anna was commenced by Mr. Ingersol while I was on the circuit with the Judge. On my return home I was retained as assistant Council in the Cause; and I flatter myself that your Excellency & the Council will not conceive that I violate my public duty by attending to the Business of my Profession.

This groundless, accusation so wantonly made without the least provocation, & not in the most handsome terms, could never have been designed, for the honorable body over which you preside. What purposes were to be answered or what Passions gratified by it I shall never stoop to enquire. But I trust in the Justice of the Supreme Executive of Pennsylvania that they will never countenance an unmerited attack upon the character of any officer or citizen of the State.

I have the honor to be with sentiments of the most perfect Respect & Esteem,

your Excellency's most obed. Serv't,

W. BRADFORD, Jun.

Directed,

His Excell'y, The President &c.

Opinion of Judges of Sup. Court on duty of Att'y Gen'l, 1788.

At the request of the Attorney General the Subscribers certify to the honorable the Supreme Executive Council their opinion, That it is no part of the duty of that officer to assist in the prosecution of any *quitam* information or other penal action; nor has it ever been considered as such, either before or since the revolution. The suit is clearly the suit of the informer, & not of the State until Judgment; it not being manifest before, that the Commonwealth has any interest in it. The Attorney General is not bound, nor has he any right ex-officio to interfere in the prosecution. But he is certainly at liberty, like other Gentlemen of his professsion, to be retained by the informer and whenever he is so, he is considered as advocating the Cause in his professional, not in his public character.

THO. McKEAN,
WILL. T. ATLEE,
GEO BRYAN.

V. P. Muhlenberg to Wm. Bradford, Att'y Gen., 1788.

Sir,

Your Letter to Council of the 10th instant was laid before the board, & I am directed to inform you, that from your Letter as well as the Certificate of the Judges, The Board are fully satisfied That you, as Attorney General was not bound, or had any right ex-officio to interfere or carry on The Prosecution against the Ship Anna. Your letter to them on that subject they have no Objection to your communicating to the Public.

I am, Sir, your very humble Servant,
PETER MUHLENBERG, V. P.

In Council, Philad[a], January 12th, 1788.

To William Bradford, jun., Esq[r], Attorney General.

Wm. Bradford Jr., to Council, 1788.

Jan. 14, 1788.

Sir,

Understanding that the publication of Mr. Wells's Memorial has given birth to some mistakes respecting the nature of my official duty, I request permission to lay before the public a copy of my letter to your Excellency & the Council upon that Subject.

I have the honor to be
Your Excell'ys most Obd. servt.,
WM. BRADFORD, A. Gen.

Directed,

His Excellency The President In Council.

John Nicholson to Pres. Franklin, 1787.

Sir,

I do myself the honor to inclose An Abstract of the Claims of Penn[a] against the United States so far as they have been adjusted, amounting to 6,999,782,$\frac{3}{90}$ Dollars, Principal and Interest, to Jan'y, 1788.

I have the honor to be
with great respect Sir,
your most obedt. servant,
JN[o] NICHOLSON.

Compt'r Genl's Office, March 31st, 1789.

Directed,

His Excell'y, the President in Council.

GENERAL ABSTRACT OF ACCOUNTS.—THE STATE OF PENNSYLVANIA AGAINST THE UNITED STATES, 1787.

	Principal. Dollars, 90 8.	Interest to 1st Jan'y, 1788. Dollars, 90 8
Pay of the Army,	57,290 51 0	14,609 8 2
Depreciation on Pay of the Army,	1,565,244 20 2	696,533 61 1
Recruiting the Army,	282,154 3 6	88,485 61
Monies paid to the Continental Requisitions of Congress,	190,169 37	87,782 34 2
Monies paid sundry Officers of the United States,	68,052 61	25,876 74 1
Pay of Militia,	683,056 62 1	368,888 54 5
Flying Camp,	32,666 60	
Specific Supplies,	779,189 25 4	311,439 67 2
Provision,	73,673 36	29,098 61
Transportation,	4,821 8 2	2,124 20 5
Forage,	96 4	34 56 2
Cloathing,	24,050 3	8,348 9 1
Contingent Expences,	30,241 41 2	2,124 4 7
Horses purchased in 1778,	14,196 56 6	8,292 62 7
Ditto, in 1780,	90,336 7	39,713 74
Quarter Masters & Commissary's Certificates,	62,074 36 4	28,931 3 2
Disbursements in the Quarter Master's Dep^{t},	20,664 16 5	2,465 12 7
Ditto, in the Hospital,	8,547 13 7	2,436 39 2
Ditto, for Prisoners of War,	472 68 4	187 54 3
Militia Pensioners,	2,018 50	702 4 1
Expence of Deserters,	244 82 3	140 79 6
Commissary of Issues Dep^{t},	370	78 25
Arms, Amunition & Ordnance Stores,	261,337 4 5	69,156 71 4
Fortifications,	117,569 60 3	41,559 21 1
Continental Powder Works,	19,200	
Gun lock & Salt Petre Works,	82,522 16 4	53,800 7 6
Naval Armament for defence of the Bay & River,	449,928 72 6	31,548 2 3
Depreciation on Pay of the Navy,	32,603 46	14,508 50 4
Sundry Disbursements, (blended,)	72,556 60 5	45,567 68 6
Amount,	5,025,348 13	1,974,434 10

Sec'y Biddle to Clement Biddle, (Marshal,) 1788.

Secretary's Office,
Philadelphia, January 24th, 1788.

Sir,

I transmitted to you some time ago a copy of a Resolution of Council requiring all officers lately appointed by Council forthwith to enter in this Office the Security which the Law directs. I am now to inform you that all the officers called upon have complied with this resolution except yourself and must earnestly request your early attention to this business.

I am Sir,
your obedient humble servant,
JAMES TRIMBLE
for CHARLES BIDDLE, Sec'y.*

Directed,
Clement Biddle Esq'r, Marshall of the Court of Admiralty.

Lt. Col. John Craig to Council, 1788.

Gentlemen,

From the frequent Applications of the Officers of the Militia for the County of Northampton, find myself Oblig'd to trouble you with an Estimate of their demands laid in Against the Lieut's, Viz., Pay due to the Adjutants, Drum and Fife, Majors, Drummers and Fifers, and to the Officers making a return of the male white Inhabitants, printer's Bill and Stationary.

For the discharging of the same I Request an Order on the Treasurer of the County of Northampton, to be paid out of the Militia Fines of said County, for which the Subscriber will be Accountable.†

I have the Honour to be, Gentlemen,
Your most Obed't H'ble Servt.,
JOHN CRAIG, Lieut.

Jan'y 30th, 1788.

Directed,
The Hon'ble Supreme Executive Council, Philadelphia.

* See Col Rec., Vol. XV., page 364.
† See Col. Rec., Vol. XV., page 390.

An Abstract of Expences due on Muster Days for Six Battallions.

	£	s.	d.
Adjutants,	9	00	0
Drum and fife Majors,	6	00	0
Drummers & fifers wages,	125	00	0
Officers making a return of the Male White Inhabitants,	53	00	0
For Drums & repairing Drums,	20	00	0
Stationary,	2	5	0
Printing,	1	15	0
Total.	£217	00	0

V. P. Muhlenberg to Delegates in Congress, 1788.

In Council,
Philadelphia, February 5th, 1788.

Gentlemen,

By direction of Council I do myself the honor to inclose you a resolution of the General Assembly of this State with regard to the purchase of a Tract of Country on Lake Erie.

Council request you will be pleased to give them such information on the subject as may be in your power—especially on that part which relates to the Estimate of the sum necessary to purchase, and for what sum other Lands belonging to The United States in those parts were sold. It may likewise be necessary to obtain information respecting the Western Boundary of the State of New York, to know how far the same extends along the Pennsylvania Line in order to make an Estimate of the Quantity.

I have the Honor to be,
With the highest Respect, Gentlemen,
Your most obedient humble Servant,
PETER MUHLENBERG, V. P.*

Hon'ble, The Delegates of Pennsylvania in Congress.

* Elected V. P. Oct. 31st, 1787—Col. Rec., Vol. XV., p. 308.

Joseph Perkin to Wm. Henry, 1788.

Philadelphia, Feb'y 8th, 1788.

Sir,

I have herewith Sent you a return of all the Musquets & Baynettes I have rec'd from The difrant Battalions of City Militia, which I find fall far Short of what I expected, Tho' no Peans on my Part hath Been Spar'd to Collect them in.

	Musqs.	Bays.
2 Battalion,	106	74
3 do.	86	54
4 do.	106	45
5 do.	71	46
6 do.	29	14
Of Cap. Stiles,	133	61
	531	295

I am not furnished with an account of what have Been collected from the Seventh Battalion, as my People are out a Collecting, But am Informed by Col. Coats there are very few in that Bat'n.

I am, Sir, with respect,

Your humble Servant,

JOSEPH PERKIN.*

William Henrey, Esquire.

N. B. There will, I Think, be at least 100 of Those I have Rec'd which will Be condemnd.

V. P. Muhlenberg to Gov. of Connecticut, 1788.

In Council,

Philada., February 11th, 1788.

Sir,

His Excellency, Doctor Franklin, president of this State, being indisposed, Council have directed me to acknowledge the receipt of your Excellency's favor relative to John Franklin—a State prisoner now confined in the Jail of this City. Your Excellency will perceive by the enclosed Resolution† That the Supreme Executive Council of this State, in compliance with your Excellency's friendly interposition, have mitigated the severity of Franklin's confinemant as much as lay in their power—but as his admittance to Bail depends on an

* See Col. Rec., Vol. XV., p. 390.

† See Col. Rec., Vol. XV., p. 385, 386, 394.

act of the Legislature, and the General Assembly are not conven'd at present, Council will probably recommend his case to the next House; provided the Inhabitants of Wyoming continue their present peaceable disposition.

I have the Honor to be,

With great Respect,

Your Excellency's most obedient servant,

P. MUHLENBERG, V. P.

His Excellency, Sam. Huntington, Esq., Governor of the State of Connecticut.

SECY. OF CONGRESS TO PRES. FRANKLIN, 1788.

(Circular,)

Office of Secretary of Congress,

February 15th, 1788.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed an act passed the 12th Instant by the United States in Congress assembled for granting Sea Letters to American vessels bound on long and distant voyages. That the mercantile part of your State may be fully informed of this act, I have to request the favour of your Excellency, that you will be pleased to cause it to be published in the public papers, or made known to them in such other way as your Excellency shall think proper.

With the greatest respect,

I have the honor to be,

your Excellency's most obedient,

& most Humble Servant,

CHA. THOMSON.

Directed,

His Excellency The President of Pennsylvania.

* Col. Rec., Vol. XV., p. 391.

Gen. Knox to Pres. Franklin, 1788.

War office, February 16th, 1788.

Sir,

I have the honor to acknowledge the receipt of your favor of the 2nd instant, stating the dispute of rank between Captains Zeigler and Ferguson, and also covering the certificate of the promotions and appointment in the quota of Pennsylvania troops in the service of the United States, made by the Executive Council on the 26th of November 1787—To wit: Lieutenant Ashton promoted to be a captain, vice Finney resigned—the senior Ensign promoted to be a Lieutenant, vice Ashton promoted, and Robert Thompson appointed to be an Ensign.

Your letter contained the first intimation of the dispute alluded to—Early after the formation of the present corps, I directed the commanding officer to assemble the other field officers, and the inspector, as a board to settle the relative rank of all the officers of the regiment—But the dispersed and distant situation of the several companies prevented a compliance with my orders.

On considering the subject of rank of the officers on the present military establishment, it appeared perfectly reasonable to me, that all the commissions should be dated on the day of the resolve of Congress which gave existence to the corps.—That unless this point were made a principle, officers might loose or gain what they regard as an esential right from the accidental circumstances of the legislature of the State to which they were attached meeting a little earlier or later as the case might be, accordingly the commissions were all dated on the 12th of April 1785, and the settlement of their relative rank was left to the judgement of the field officers.

But as the resolves of October 1786, augmented the troops, by which officers might be introduced on the same grades with those previously in service, it became necessary to hold up the principle, that officers, in the service of the Union should in cases of original appointments, take rank from the dates of the acts of Congress by which they were raised, notwithstanding any difference of relative rank during the late war.

In holding up this idea as a principle, I did not think it ought to operate prior to April 1785.—The corps raised for one year by the resolve of Congress of the 3rd of June, 1784, I considered merely as militia, and I conceive this conclusion was fully authorized, as well by the letter as the spirit of the said resolve, and that such temporary service ought not in equiiy, nor could not with military propriety be estimated as a counterballance for the established relative rank which might have subsisted for several years of the late war.

Notwithstanding my opinion on the subject of the troops raised by the resolve of June, 1784, the Executive Council possess the

right on an original appointement, to arrange their officers as they please, but perhaps they may on consideration be of opinion, that it might conduce to the harmony of the service to leave the decision of the present dispute to a board of field officers.—If so, and you should be pleased to intimate such disposition to me, I will direct the commanding officer accordingly—I do not conceive that the service can suffer any degree of injury by the time such reference would require as the present stations of the two officers are greatly separated.

I should be much obliged by being informed, whether any measure have been taken by the Legislature of Pennsylvania in consequence of the requisitions of Congress of the 3rd of October last, for replacing the troops on the frontiers.

I have the honor to be Sir,
With the highest respect and esteem,
your most obedt. & very humble Servant,
J. KNOX.*

Col. Andrew Porter to Pres. Franklin, 1788.

Gentlemen,

Agreably to you request I have herein drawn up a Description of the Country lying between the northern boundaries of this State and Lake Erie, west of the State of New York, viz.

The soil will come under the description Tolarable good. The Countary is clear of Mountains and but very little broken with Hills. In many parts of it are very rich Tracts of land, and some parts are rather wet & swampy.—It abounds with a great variety of Timber, such as, Sugar Trees, Beech, Ash, Hickory, Black Red and White Oak, Chesnut, Cherry, Hemlock, White Pine, Sycamore, Elm, Cowcumber, Aspen, Birch, Poplar, Walnut, &c.

From the north west Corner of this State the general direction of Lake Erie is North 65° East for upwards of sixty Miles, so that the angle made with the northern boundary Line is 25°

The Bay of Presque Isle is a safe Harbour for shipping and the only one (on this side) from Gayahoga to the lower end of the Lake. The distance from Presque Isle to La Bauf, on the French Creek is about 15 miles, and the ground sufficiently firm to admit of a good Road the whole way with little or no Bridging.

The western boundary of the State of N. York has not yet been ascertained, probably it may fall a few miles East of the Canawango

* Col. Rec., XV. p. 394.

River.—This River is boatable to the upper end of Chadaghque Lake, from thence there is a portage of about 9 Miles to Lake Erie.

The above described Tract of Country may contain between 7 and 800,000 Acres.

I am with Respect, Gentlemen,

your obedt. Humble Servt.

ANDW. PORTER.*

Directed,

His Excellency the President and Supreme Executive Council Pennsylvania.

Indorsed,

Montgomery County, Febry. 16th, 1788.

Wm. Armstrong to Council, 1788.

Norriton, February 16th, 1788.

Gentlemen,

Agreeable to the request of your Honorable Board I have looked over some of my notes Taken when out on the line last summer & find that after we Cross'd the Alligane river the last time, there was much of a sameness in the Country both as to Timber & Soile on and near the line and a greater Variety of Wood on the same space then I ever saw in any other part, a large Proportion of which was Beach, Sugar maple & ash, The soile in general appears rich tho' I believe rather Cold for some kind of grane, But well adapted to grass. The Country in general is midling Flat and level but more Particularly so on the heads or sorces of the small stremes that Emty into the alligani river, all the waters running into the Lake having a better Current & shorter distence to run. The high dry grounds have moderate ascents and appear Pleasant & very few stone to be seen on the surface, the waters of French Creek and the Connowonge both afford a good Boat Navigation to within a small distance of the Lake. I could not see that at and near the Lake it was more subject to Early frosts then many parts much more to the southward. I am of opinion that it is Equal in value to any Equel Quantity of land on the West side of the alligane river within the lines of the state, according to Information we Receiv'd from (Capt. Wm. Morris one of the Commissioners from the state of New York) that the line of session from New York to the United States would strike the line of our State at or near the 190 mile stone.

* Col. Rec., Vol. XV., p. 382.

Tho' that is but matter of opinion founded on his Information at any rate we shall Include a large part of the Margen of the Lake with the only harber on it which is Priquelle.

I remain with much Esteem,

your Honors most Obedient,

& very humble Servt.

WM. ARMSTRONG.*

Directed,

The Supreme Executive Council.

Andrew Ellicott to Pres. Franklin, 1788.

Baltimore, Feb'y 19th, 1788.

Sir,

From the Face of the Map we returned to the Supreme Executive Council last December, of the Country thro' which we passed with the Northern Boundary of the State; it appears plain that the situation of several places demands the attention of the Legislature. The *first* is at the Mouth of the Conawango River; the *second* at the Mouth of French Creek, where the old Venango Fort stood; and the *third* at the head of the Navigable Water of French Creek at Fort Le Beuf. It is probable that the House of Assembly may want some particular information relative to the situation of those places and the surrounding Country. I intend being in Philad'a some time next week, and if required, shall with pleasure make such Communications as have fell within my knowledge.

I have the honor to be,

Sir, Your Hble. Servant,

ANDREW ELLICOTT.

Indorsed,

1788, February 19th. From Andrew Ellicott, Esq. Read in Council 25th of Feb'y, 1788. Ordered to be transmitted to the Committee upon that part of the Message which relates to the purchase of land bounding upon Lake Erie.

Directed,

His Excellency, Benjamin Franklin, Esq., Philadelphia.

* Col. Rec., Vol. XV., p. 382.

David Redick to Pres. Franklin, 1788.

To His Excellency, Benjamin Franklin, and the Honorable the Council.

This Country has never experienced a Winter more severe. The Mercury has been at this place 12° below the extreme cold point; at Moskingdum 20, and at Pittsburg within the bulb or bottle. The difference may be accounted for in part by the inland situation of this place, and greater and lesser quantities of ice at the others. It has been altogether impossable for me until within these few days past, to stir from the Fire-side. On Tuesday last I went with several other gentlemen to fix on the Spot for laying out the Town opposite Pittsburgh, and at the same time took a general view of the track, and finds it far inferior to my expectations, although I thought I had been no stranger to it. There is some pretty low ground on the Rivers Ohio and Alagania, but there is but a small proportion of dry land, which appears any way valuable either for Timber or Soil; but especially for soil, it abounds with high Hill and deep Hollows, almost inaccessable to a Surveyor. I am of opinion that if the Inhabitants of the Moon are capable of receiving the same advantages from the earth, which we do from their world, I say, if it be so, this same famed track of land would afford a variety of beautiful lunar spots not unworthy the eye of a Philosopher.

I cannot think that ten acre lotts on such pitts and hills will possably meet with purchasers, unless like a pig in a poke it be kept out of view. Would it not be more advantage to the State if the Legislature would alter the law—That a Town and a reasonable number of out lots, for the accommodation of the Town be laid out, the remainder of the lands be laid out 200 acre lots fronting on the River, where practicable and extending back so as to include the hilly and uneven ground, which might be of some use to a farm.

I cannot believe but that Col. Lowry and Col. Irwin, both members of the assembly, and who knows the land well, will on consideration be of opinion with me, that small lots on the sides of those hills can never be of use for any purpose but as above mentioned. Perhaps Council may think proper to lay the matter before the Legislature. I shall go on to do the business as soon as the weather will admit, and before I shall have proceeded further than may accord with the plan here proposed, I may have the necessary information, wheather to go on as the law now directs, or not.

I have the honor to be,
your Excellency's and
the Honorable the
Council's most ob. servt.,
DAVID REDICK.

Washington, 19th Feb., 1788.

Estimate of consideration to Indians for Triangle at Lake Erie, 1788.

10	Pieces of blue Stroud,			
100	White Ruffled Shirts,			
20	p^{r} 3 point Match Coats,			
60	2½ Ditto,			
30	yards of Scarlet Flannel,			
14	yards Scarlet Broad Cloth,			
50	Callico Shirts,			
20	Castor Hats,			
6	Doz. Combs, (course.)			
2	Doz. Ivory Ditto,			
20	lb. Vermillion,			
60	Gallons Barbadoes Rum,			
2	Quarter Casks Gunpowder,			
500	lb. Lead,			
300	lb. best Leaf Tobacco,			
3	pieces of Gartering,			
10	Doz. Pipes.			
		w^{h} will cost ab^{t}	£375	0 0
	Waggonage, Hire of Boats, Transportation of different kinds Flour, & different kinds of Provisions.	ab^{t}	250	0 0
	Commissioners Expences of various kinds,	ab^{t}	250	0 0
	Special Presents to be made to Principal Chiefs,	ab^{t}	75	0 0
			£950	0 0

I beg leave to inform Council that it appears to me the above Estimate would not be more than a sufficient Consideration for the Claim w^{h} the 6 Nations have to the Triangular piece of Land which this Commonwealth hath in contemplation to purchase of s^{d} Indians.

FRA. JOHNSTON.

Feb'y 21, 1788.

* See Col. Rec., Vol. XV., p. 392.

Report & Proceedings of Landholders, 1788.

Wednesday, Feb'y 27th, 1788.

At a meeting of a number of Landholders, &c., James Moore appointed Chairman, The Committee appointed at last General meeting on Friday evening, the 22d Instant, made the following report, viz:

The Committee of the Landholders of Luzerne and Northampton in Pennsylvania, and of Montgomery County in Newyork, beg leave to report that they have confered with and made enquiries of several persons acquainted with the Country above mentioned, and find an uniform opinion prevailing among them, that the most useful road which can be laid out therein, must run from the place known by the name of Pocomo point along the ridge dividing the lesser waters of the Delaware from those of the Susquehanna, (or the Moosic mountain) up to Mount Ararat, & that upon a careful consideration of such facts as could be ascertained concerning the nature of that Country, they found very strong reasons for adopting the same opinion, wherefore they unanimously recommend to the Landholders to take immediate and effectual measures for laying out and opening a road as nearly in a direct line from Pocomo point to Mount Ararat as may be found practicable.

The Committee are also fully convinced that to secure all the attainable advantages of the measure now in contemplation, it will be necessary that the views of the Landholders should be extended to the opening of two forking roads from the road above mentioned, *the one* to the line of Newyork, at the carrying place between the river Delaware and the bend of Susquehanna, and *the other* towards the Mouth of Tioga Creek. The Committee found it impossible to ascertain with precision the expence of this undertaking, but they conceive the sum of Five hundred pounds will be sufficient to open a two-perch road from Pocomo point to Mount Ararat, on which may be formed a Judgment of the whole expence. For obtaining the Funds necessary to accomplish the opening of the several roads above described, your committee recommend that a subscription be immediately opened to be offered to all such persons in this State & in Newyork, as are interested in the Lands above mentioned, as well as to all owners of water Estates, and of lots in the Northern and Northwestern parts of the City of Philadelphia and Liberties, whose property will be considerably advanced by the settlement of that Country. They also submit to the consideration of the Landholders, the propriety of an application to the Legislature for their aid in a matter that will so greatly promote the domestic & foreign Commerce, & the internal resources of the State.

In order to carry the above plan into execution, your Committee further recommend that persons be appointed to obtain subscriptions to be paid into the hands of a treasurer, the appointment of whom

they also recommend, & that a Committee of *seven* persons, (of whom *five* to be a quorum,) be also appointed to make application to the Legislature and to lay out, in opening the roads above mentioned, such monies as the Legislature may be pleased to grant or which private persons may subscribe. After maturely considering the same, it was agreed to, and thereupon unanimously

Resolved, That the following Gentlemen be appointed a Committee for the purpose of applying to the Legislature for their aid, and the other purposes expressed in the report, viz: John Nicholson, Henry Drinker, Tench Coxe, Mark Wilcox, Tench Francis, James Wilson and Reynold Keen.

Resolved, That Samuel Powell, Esq., be appointed Treasurer.

Resolved, That the following Gentlemen be appointed to receive subscriptions.

(Not named.)

Resolved, That The Committee for applying to the Legislature, &c., be requested to have subscription papers printed, and distributed to the Gentlemen appointed to solicit and receive subscriptions, and perform all other matters for carrying the object of this meeting into effect, and that the Committee shall call a General Meeting of the Landholders as soon as circumstances may make it necessary.

Adjourned.

Indorsed,

Report of the Landholders in the County of Luzerne. Commissioners appointed, April, 1788.

Motion of Mr. Irvine in Congress respecting Purchase of Erie, 1788.

Motion of Mr. Irvine,

Whereas it appears by the boundary line which hath been lately run between the States of New York and Pensylvania, that the northwest corner of the latter extends some distance into Lake Erie, by which a narrow strip of land bounded on the North by the lake and on the south by said State, will be cut off from the Territory of the United States.

And whereas by the several Acts of Cession of territory by the States of New York and Massachusetts to the United States—a certain line therein described is to be drawn, by which the said States are to be bounded on the west—and it is just and proper that said line and boundary should be ascertained and fixed, as well in order to secure peace and harmony in the United States as amongst those

*This appears to be a rough draught of the proceedings, and is not signed. See Col. Rec., Vol. XV., p. 425. The resolutions are in the hand writing of J. Nicholson. See Smith's Laws, Vol. II., 442.

more immediately concerned, and Citizens thereof who may hereafter become inhabitants, and that the rightful owners of the soil and Jurisdiction may be enabled to dispose of the same or otherwise appropriate it as they shall think best.

Resolved, That the Geographer be and he is hereby directed as soon as may be, to proceed (in conjunction with agents or Commissioners in behalf of New York and Massachusetts in case they shall think proper to appoint such) to run a line and ascertain the western limits of the said States of New York and Massachusetts conformable to their Acts of Cession to the United States.

February 25th, 1788.

Referred to Mr. CLARKE,
Mr. IRVINE,
Mr. ARMSTRONG,
Mr. WADSWORTH,
Mr. BROWN.

The Committee, consisting of Mr. Clark, Mr. Irvine, Mr. Armstrong, Mr. Wadsworth and Mr. Brown, to whom was referred a Motion of Mr. Irvin, submit the following resolution:

Resolved, That the Geographer of the United States be, and he is hereby directed, as soon as conveniently may be, to accurately run and ascertain by himself or deputy duly appointed for that purpose, the line of Cession from the States of New York and Massashusetts, between lake Erie and the Northerly boundary of the state of Pennsylvania, which line is to be run on a Meridian twenty miles west of the most westerly bent of the river or strait between Lake Erie and Niagara.

That the Geographer inform the Executives of the States of New York and Massachusetts of the time of running said line, in order that they or either of them may, if they think proper, have persons attending at the time.

That the said Geographer or his deputy having run the said Meridian line between lake Erie and the State of Pensylvania and marked and noted down in his field Book proper land marks for perpetuating the same, shall proceed to make a survey of land lying west of said line between lake Erie and the State of Pennsylvania so as to ascertain the quantity thereof, and make return of such survey to the Board of Treasury, who are hereby authorized and impowered at any time before or after such survey to sell the said tract, either in whole at private sale for a price not less than—— per acre in specie or public securities, drawing Interest, or in parcels at public auction after giving three months notice of the time and place of sale, provided the price per acre in such sales shall not be less than the price above mentioned.

N.B. The within is a Copy of the proceedings had, on the subject mentioned therein, which is now suspended. The Delegates of Massachusetts have sent to that State for instructions, as the right

of soil falls to them within the western boundary by an agreement between them & New York. Both these States must acquiesce in the mode of ascertaining the line as they are parties concerned agreeable to the true intent & meaning of the Cession &c.

Indorsed,

Feb'y 25th, 1788. Copy of General Irvine's motion in Congress, respecting the lands bounding on Lake Erie and on the North Line of this State.

Sec'y Biddle to John Nicholson—Arms, 1788.

Secretary's office, Philadelphia Feby. 25, 1788.

Sir,

By direction of Council I am to request you will inform them what steps have been taken by you in compliance with the Resolution of Council for ascertaining the number of Public arms that have been delivered from time to time to the Lieutenants of the different Counties.

I am Sir with respect,
your most obedient humble Servant,
CHAS. BIDDLE, Secy.

Directed—To John Nicholson Esqr., Comptroller.

V. P. Muhlenberg to Gov. Randolph, of Va., 1788.

In Council, Philadelphia, February, 25th, 1788.

Sir,

By the direction of Council I do myself the Honor to enclose your Excellency some papers relative to a Negroe said to be the property of a Citizen of Virginia one Barton who claims him as the property of Capt. Hines in St. Croix is very anxious to have his punishment remitted, in order to convey him to St. Croix. Council have no objection to liberate the Negro & restore him to his real owner—yet, so long as a probability remains that he is the property of a Citizen of the United States, They do not seem inclined to send him off. If, from an investigation of the matter, it should appear that the Negro is the property of a Citizen of Virginia, Council will (on receiving such information from your Excellency) with pleasure restore him to his owner.

I have the Honor to be,
with great respect, your Excellency's
most obedient, humble servant,
P. MUHLENBERG, V. P.*

His Excellency Governor Randolph, of Virginia.

* Col. Rec., Vol. XV., pp. 396, 416. See answer, page 256.

Wm. Bradford, Att'y Gen., to Pres. Franklin—Bankrupt Laws, 1788.

Sir,

It having lately been determined in the Supreme Court, upon Argument, that the Bankrupt Laws do not affect the proceedings on the bonds given to the Collector of the Port, and that an execution may be issued againt the persons of the defendants, I pray the advice of Council, whether all further proceedings must be staid, on those suits where the defendants are declared Bankrupts, or whether I must proceed to Execution.

I have the honor to be, sir,

Your most Obed. Servt,

W. BRADFORD, jun.*

Directed,

His Excellency The President in Council.

Indorsed,

Feb'y 27, 1788.

Matthew Clarkson to Sec'y Biddle, 1788.

Sir,

I am honored with your Letter of this date,† communicating the information which the Honorable the Council have received from Mr. Hopkinson, "that it is three weeks since he applied to me for an account of such property as came into my hands in which the United States were interested, and that *he cannot obtain any answer.*"

Mr. Hopkinson applied to me by Letter dated the 12th instant (five days short of three weeks,) requesting me to furnish him "with an account of prizes condemned in this State during the war, taken by Vessels belonging to the United States or in which the United States were any wise interested," and adds, that "Benjamin Walker, Esq., Comm'r of Accounts for the Marine Department at New York had demanded such an account." This is the *only* application he has made to me upon the subject.

I did not conceive that *an immediate* complyance was so necessary as to oblidge me to lay aside *all other business* to attend to this; an intimation to the contrary would have prevented the trouble that has been given to the Honorable Council upon the occasion (how properly they will judge,) tho' it would have deprived Mr. H. of the pleasure of prefering a Complaint.

* Col. Rec., Vol. XV., pp. 397–8 † Ibid. 398.

As I have no Clerk I must make out the Accounts myself, which shall be done as early as possible. I request you will be pleased to communicate this to Council.

I am, Sir,
your most obed. Serv't,
MATTH. CLARKSON.*

February 28, 1788.

P. S.—I beg leave to add that *all the Accounts* now required have been rendered by me, many years ago, to the respective Agents for prizes, appointed by Congress; with whom alone I had anything to do concerning them.

Directed,
Charles Biddle, Esquire.

DELEGATES IN CONGRESS TO V. P. MUHLENBERG.—ERIE, 1788.

New York, Feb'y 28th, 1788.

Sir,

We received your letter of the 5th of Feb'ry & should not have so long delayed our answer could we have sooner given any satisfactory information to either the Council or the House.

With respect to the quantity of the tract nothing can be conjectured with accuracy & as the estimate you require must be founded principally on this fact, we have as a first step, originated an enquiry by motion in Congress which, should its progress be unobstructed, will at once decide the size & property of the Tract, should it fall within the United States, the price will not in all probability exceed one Dollar in certificates per acre, & if within the State of Massachusetts, much less as that State cannot well exceed the terms of the New York Land office.

The moment Congress come to any act on this subject, we shall have the honor of communicating it, & are

with the highest respect,
your most obedient
& most humble servants,
WM. IRVINE,
JOHN ARMSTRONG, JR.,
JAMES R. REID.†

Directed,
Hon. Peter Muhlenberg Esq., Philada.
By the Hon. Coll. Howard.

* See Col. Rec., XV., p. 398.
† See Col. Rec., Vol. XV., p. 392.

Report to, and Resolve of, General Assembly,— Purchase of Erie, 1788.

State of Pennsylvania,

In General Assembly,

Friday, Febuary 29, 1788, A. M.

The Committee appointed on that part of the message* which respects the purchase of a tract of country beyond the northern boundary of this State, made report, which was read, and on motion, and by special order, the same was read the second time, and adopted as follows, viz^{t},

The Committee to whom was referred the message of Council respecting the purchase of a tract of land on Lake Erie beg leave to report,

That in their opinion the purchase of the said tract of land, is an object highly worthy the attention of this State, therefore offer the following resolution.

Resolved, that the Supreme Executive Council be authorised to negociate with the United States for such tract of country as may appear to be their property on Lake Erie adjoining to the northern boundary of this State, and report to the General Assembly the terms required by Congress with an estimate of all the other expences which in their opinion may be necessary for compleating the purchase.

Extract from the minutes,

J. SHALLUS, Ass. Clk.

Delegates in Congress to Pres. Franklin, 1788.

New York, 2d March, 1788.

Your Excellency will find inclosed a report of the Board of Treas'y on a motion made by the Delegates of Pennsylv'a, "for placing the sum of 78,642† Dols. of the bills of credit of '81 to the debit of the Gen. account of said State with the United States.

The Board reports against the motion & the presumption is that some act of Congress will soon follow. It will be our object to prevent this for a week or ten days during which time we would beg to be honored wtth the advice and instructions of Council on the subject. This will be the more necessary as from some circumstances or other all the documents of the last year's delegation on

* See Col. Rec., Vol. XV., p. 392.

† See page 41–45, also Col. Rec., Vol. XV., p. 405.

this point have been lost & not a single paper of the many which I know were furnished in support of the claim of y^e^ State, has come down to either Gen. Irwin or myself.

I am, Sir, with the highest respect
your Excellency's
most obed't serv't,
J. ARMSTRONG, Jr.,
for the Delegation.

Directed,

His Excellency, The President of the S. E. Council.

Indorsed,

Read in Council, March 6th, 1788, and referred to the Comptroller General together with the inclosure for his consideration and report.

JAMES TRIMBLE,
for CHARLES BIDDLE, Sec'y.

JOSEPH MITCHELL TO PRES. FRANKLIN, 1788,—CITY LOTS.

Worthy Sir,

Intending for England in the year 1765, Mr. John Hughes Proposed to me to make it worth my while if I would undertake it; which was, that he would procure a Catelogue of a great number of Purchasers of Land from Wm. Penn, in England, Several thousands of acres never yet taken up by the Purchasers, &c., which he made no doubt I might Purchase very Cheap. Mr. Hughes then was in high vough, and was lookt upon in general to be a Stanch man for the good of his Country; his Proposals was Such that I Concluded to Join with him and John Lukens; instead of their Sending of bills with me, they apply'd to you, Sir, for a Letter of Credit for one thousand pounds Sterling for themselves, but for my use as I was in partnership with them, in Case I made any Such Purchases as was Laid down in the Catelogue; you may remember that you was present at Clapham, August, 1765, when I Setled with Mr. Henton Brown for my own money that I had Lodged and received from him—And also for the money that I had rais'd on your Letter of Credit for them; you also wrote to them by me, to remit that money the first Opportunity. I ariv'd at Philadelphia the day of the Election. Mr. Hughes was then in Such bad State of Credit about the Stamps that he kept his bed. Prudence made me avoid going there, that our

affairs might remain a Secret; but he finding that he Could never wipe away the Clamour of the People against him, he wrote to Mr. Brown to sue me for the money I receiv'd on the Letter of Credit, pointing forth that I was Liable for it, because it was given in my name. But should I fail, he or they would be accountable for it. I was sued and intended to stand trial, but Considering by it the partnership would be made known, I paid the money Least I should hazard the Loss of all. I apply'd to the Council by my Son several times, some years past, with such purchases as was to be laid before them, being inform'd by the present Council One Charles Cecil* put in a Claim to a part of a wright that I had purchased. The Council seen Cause to Cite me before them the 19th of February last, as to Cicil's and my Claim to City Lotts. I attended, hopeing to have seen your Honour, but the vice president and Council appears to me to be desirous to do Justice to the first Purchasers, which is the hight of Justice; because they were the People that enabled Wm. Penn to begin the setling of this flourishing Province. Though numbers of them never Came here, nor any for them, as appears by near one hundred thousand acres not yet taken up. The Purchase money being paid, as appears by their standing on record, and from under Wm. Penn's own hand and Seal to his Commissioners, here to lay out, or cause to be Laid out, such number of acres as stands against every man's Purchase; when apply'd for, many that attempt'd to Come here to take up their own wrights, was impowered by Several to take up their wrights for them. But by accedents at Sea and Deaths here, many lost their Leases, and their heirs lost their wrights. One George Evans, a Purchaser of 10,000 acres, by his Coming here, and many others with him, it's s[d] they were Cast away; his great Grand Children, as Clearly appear'd, offer'd to Sell their wright to me; the number of a[s] was large; I requested of them to aply to Penn for his Liberty to take it up. A certain Lord acompanied them there, and myself also; their business was made known to Mr. Penn by that Lord; he, Penn, demanded a sight of the Lease, and Release for it; they gave their answer, as above, why they had it not. Mr. Penn's answer was, that he knew nothing of any such a purchase. I was Cal'd upon, and Did Declare that George Evans stood upon Record in Wm. Penn's books in Pennsylvania, as a Purchaser of 10,000 acres not yet taken up; he reply'd, &c., that he know'd nothing about it without he seen the Lease and Release of it; thus they were Choust out of their wright, altho' they had receiv'd pay for it more than eighty years before, otherwise it would not have stood upon Record here. These proceedings of theirs is well known to you. By Mr. Hughes's Directions, I purchas'd some thousands of acres without the Leases; as they still remain untaken up, I would hope for your favourable opinions in justice to the first Purchasers and myself, haveing paid their Great grand Children and Grand Children for them. But I must rest this with you, and in

* See Col. Rec., Vol. XV., p. 423, 424, 450, 480, 481.

the mean time remain your humble Servant, tho' a Decriped being this many years.

JOSEPH MITCHELL.*

To the Honorable President, &c.

March 4th, 1788.

Indorsed,

1788, March 4th. From Joseph Mitchell touching his Claim to City Lots.—Read in Council, March 15th, 1788, and Tuesday appointed for considering the same.

PHINEAS BOND, BRITISH CONSUL, TO PRES. FRANKLIN, 1788.

Sir,

The public Papers inform me some Proceedings have lately been had in the House of Assembly of Pennsylvania relative to the recommendatory Resolve of Congress to the different States to repeal all Laws inconsistent with the Treaty of Peace.

I conceive, Sir, with great Deference, this may be a fit Season to make some few Representations upon some Points which rather press upon the Interests of the subjects of Great Britain; & shall think myself extremely honor'd in an Opportunity of suggesting to your Excellency, or to the honorable Council, certain matters which appear to me to be worthy of Notice.

The very favorable Disposition manifested by the Government of Pennsylvania, & by your Excellency, to improve every Object of national Justice, and to restore the commercial Intercourse with foreign Countries to its former State of Reputation & Security, induces me to hope every well founded Suggestion will be candidly received, & every just Ground of Exception speedily reformed.

With Sentiments of the most profound Respect, I have the Honor to be

your Excellency's most
faithful & most obdt Servt,

P. BOND.†

Second Street, March 7, 1788.

His Excellency The President of Pennsylvania.

* Col. Rec., XV., pp. 409, 413, 423, 438, 440, 442, 477, 478, 481, 485.
† See Col. Rec., Vol., XV., pp. 408, 410, 416.

Timothy Pickering to V. P. Muhlenberg, 1788.

Wilkesboro', March 10, 1788.

Dear Sir,

With much pleasure I inform you that last week we held the courts of quarter sessions & common pleas in perfect quiet. So much business had resulted to this from the two preceeding terms, in the pleas, that, joined with two or three criminal prosecutions in the sessions, the court was fully occupied from Tuesday till Saturday evening. Some of Franklin's quondam officers were on the grand & petit juries, & behaved unexceptionably well. There is every appearance of a determination to admit the regular execution of the laws.

I am, respectfully & affectionately,
dear sir, your obed^{t} serv^{t},
T. PICKERING.

Directed—The Hon^{ble} Peter Muhlenberg, Esq^{r}, Philadelphia.

Gov. Randolph of Va., to Pres. Muhlenberg, 1788.

Richmond, March 10, 1788.

Sir,

Immediately upon the receipt of your late favor* concerning the negro, now in the gaol of Philadelphia, I communicated it to Mr. Stephen Tankard, his supposed owner. That gentlemen lost thirteen negroes during the British invasions, and from every conjecture which he can make on the lights which he has received, he is satisfied of his title. My acquaintance with him enables me to say that he is an honest man, and that great reliance may be put in his assertions. I have therefore advised him to proceed as soon as possible to Philadelphia, promising at the same time to write to you, in order that the negro may be detained, until his arrival. The situation of his family matters will not suffer him to go off, until the latter end of the present, or the beginning of the next month.

I have the honor Sir, to be,
with great respect
y'r mo. ob. serv't,
EDM. RANDOLPH.

P. S. Mr. Tankard describes the negro as well as his memory serves, in the following manner.

He is about 5 feet, 8 or 9 inches high—broad over the breast—his colour somewhat inclined to a mulatto, speaks thick, is about 30 years of age, and has rather small legs.

Directed. On Public Service,

To the Honorable P. Muhlenbergh, Esq., of the Supreme Executive Council of Pennsylvania, Philadelphia.

* See page 249, also Col. Rec., 396, 416.

Ordinance and Stores belonging to Philadelphia Militia Artillery, 1788.

General Return of Ordnance and Stores belonging to the Regiment of Philadelphia Militia Artillery, Commanded by the Honourable Thomas Mifflin, Esquire, Lieutenant Colonel.

		Belonging to the U. S.	Belonging to Penn'a.
Guns.	12 P'drs,	0	2
	6½ P'drs,	1	0
	4 P'drs,	4	0
	3 P'drs,	1	0
Limbers,		0	3
Drag Ropes,		0	8
Tillers,		0	8
Worms, 12 P'drs,		0	2
Ladles, 12 P'drs,		0	2
Lint Stocks,		0	8
Port Fire Stocks,		0	8
Budge Brl's,		0	8
Rammers and Sp'gs,		0	8
Gunner's Belts,		0	8
Priming Horns,		0	2
Drifts and Spikes,		0	0
Tubes,		0	0
Port Fire,		0	0
Slow Match H'ks,		0	4
Quick Match,		0	0
Fuses,		0	0
Gun'rs Quadrant,		0	0
Labartory Appar's,		0	0
Carbines,		0	0
Cutlashes,		0	0
Men's Harness,		0	1
Sheep Skins,		0	0
Sponge Tacks,		0	100
Saws,		0	0
Pitching Axes,		0	0
Spades,		0	0
Gin,		0	0
Amunition Boxes,		0	11
Fixed Amunition,		0	0
Slings,		0	2
Spare Carriages,		0	4
Hand Spikes,		0	3
Powder Horns,		0	2

The whole unfit for service.

Philadelphia, March 14th, 1788.

ANTHONY WRIGHT,
Acting Qr. Mr. Artillery.

Committee of ways and means to V. P., Muhlenberg, 1788.

Sir,

In the examination of the Statement of the finances furnished by the Comptroller Gen'l, some difficultys have presented to the Committee of Ways & means which they wish to Consult Councill upon, they have appointed five of their No. for that purpose, and whenever council shall be pleased to appoint a time they will be glad to attend them.

I am sir, with great respect

y'r mo. h'ble Servt,

THOS. FITZSIMONS,*

Chairman Committee, ways & means.

Directed,

To H'ble P. Muhlenberg, Esqr., V. P., Council.

Council to John Nicholson, 1788.

In Council,

Philad'a, March 15th, 1788.

Sir,

In answer to your letter of yesterday I am directed to inform you that the whole of the Chester County Militia fines mentioned in the resolution of Council of the seventeenth of January last, are to be reduced to 7 dollars.

I am Sir,

your most obedient servant,

CHARLES BIDDLE, Sec'y.†

Directed,

To John Nicholson, Esq'r.

* See Col. Rec., V. XV., p. 410, 411.

† See Col. Rec., Vol. XV., p. 370, 413.

Sharp Delany to Council, 1788.

Sir,

In obedience to the order of The Hon'ble The Supreme Executive Council, The annexed report is offer'd to their consideration. I request a decision as soon as possible as Mr. Orr's* duties has been due for some considerable time.

I am Sir,
your most Obed't humble Servant,
SHARP DELANY, Coll'r.

Indorsed,
March 18th, 1788.

Report.

Thomas Orr arrived here with a considerable quantity of goods as set forth in April, 1787, & then thought it a hardship to pay aliens duty, as he came with an intention to settle. On his goods arriving the ensuing fall, he refused paying the aliens duty, as he had taken an house, paid taxes, & offered to take the oath of Allegiance, (which he has since done) and comply with every requisition necessary to entitle him to the priviliges of Citizenship. I then informed him, that my construction or opinion of the law could be no loss to him if the Honorable The supreme Executive Council should be of opinion he was not an alien or foreigner under the law as I should then be directed to remit the duty on which he signed Bonds and the matter lay over for the determination of Council. The words of the law are, "That from and after the passing of this act, all goods, wares "& merchandize imported into this State, by any alien or foreigner, "and not bona fide consign'd to some citizen of this State, shall pay "an additional impost of Two Pounds per Centum, upon the Value "thereof," (Sec'n 3, page 244, passed 15 March, 1787.)

My doubts are whether a person, taking the Oath of Allegiance paying taxes, renting a house &c., may be ranked as a citizen in a commercial Line, though not entitled to all the privileges of citizenship under the 6th section of the frame of government. My private opinion was in favor of the memorialist, founded on the spirit and meaning of the section, which originated & was drawn up by me in order to oblige transient persons to pay an equivalent with our own citizens, as I had frequently, opportunities of knowing aliens coming here with goods, taking a store for a few months, and then going off with the produce of their cargoes, &c., without either paying the State or other taxes.

Mr. Orr's alien duties, amounted to the considerable sum of £158 6 6.

* See Col. Rec., Vol. XV., p. 415, 416.

Opinion of Att'y General on Citizenship, 1788.

Upon the within case I am clearly of opinion that Thomas Orr at the time of importing the goods referred to, was "an alien or foreigner" within the meaning of the act of March, 1787. At that time he had resided in this State only six months, & had not taken the oath of allegiance. His *intention* of becoming a citizen, must be evidenced by the two overt acts prescribed in the constitution: and if any *declarations* of such intention could be admitted the act would easily be evaded. Mr. Orr, is not, even at this moment, a citizen, there is no certainty that he will ever be one, for he may either remove or die, before the twelvemonth expires. The terms of citizenship are clearly defined in our constitution, & are the same for the merchant that they are for others. Mr. Orr therefore not being a citizen, must of course be comprehended under the terms "alien or foreigner," & as such is liable to the duty imposed on persons of that description.

WM. BRADFORD, Jr.

Bill Respecting Wyoming Introduced in Assembly, 1788.

State of Pennsylvania,
In General Assembly,
Thursday, March 27, A.M., 1788.

The Bill, entitled, "*A further act for quieting the disturbances at* Wyoming, *and for confirming to certain persons called* Connecticut Claimants, *the Lands by them claimed within the County of* Luzerne," was read the second time and debated by paragraphs.

Ordered, That it be transcribed, and in the mean time printed for public consideration.

Extract from the Minutes,
PETER Z. LLOYD,
Clerk of the General Assembly,

A further act for quieting the disturbances at Wyoming, *and for confirming to certain persons called Connecticut claimants, the lands by them claimed within the County of Luzerne.*

Sect. I. Whereas in attempting to execute the act of the General Assembly of this Commonwealth, entitled, "An act for ascertaining and confirming to certain persons called Connecticut claimants, the lands by them claimed within the county of Luzerne and for other purposes therein mentioned," it has been found much more expensive than was at first expected, as well as extremely difficult to

ascertain the different interfering claims, as well of the Pennsylvania landholders, as those of the Connecticut claimants.

And whereas the commissioners appointed for adjusting and settling the claims aforesaid, have not been supported in the execution of their commission, but have been interrupted, insulted, and personally abused in the presence of those people whose duty and interest it was to support them: And whereas it is but just and reasonable that the said Connecticut claimants should at least be at the expence of settling and adjusting their own claims; therefore,

SECT. II. *Be it enacted, and it is hereby enacted by the Representatives of the Freemen of the Commonwealth of Pennsylvania in General Assembly met, and by the authority of the same,* That all and every of the seventeen townships, which were petitioned for by said Connecticut claimants, by the name of Salem, Newport, Hanover, Wilksborough, Pitstown, Northumberland, Putnam, Mushhoppin, Springfield, Claverick, Ulster, Exeter, Kingston, Plymouth, Huntington, Bedford and Providence, agreeable to their original butts and bounds, be and they are hereby confirmed to such of them as were actual settlers there, at or before the termination of the claim of the State of Connecticut by the decree of the congressional court at Trenton to be by them settled, according to their original holdings in any way, which they may judge most convenient to them.

SECT. III. And *be it further enacted by the authority aforesaid,* That the Sheriff of the said county of Luzerne shall within days after the passing of this act, notify the Connecticut claimants, in one or more of the news-papers published in the city of Philadelphia and in Connecticut, as well as by handbills set up in the most public places in the respective townships, to meet at such time and place or places as he shall appoint, to elect by ballot, one suitable person, he being a freeholder within the said county, for a patentee for such township; and the claimants so assembled, shall within five days after such election, make return of the persons names and places of abode, who shall be highest in votes, to the said Sheriff who shall within ten days after such return or returns come into his hands, transmit the same to the Supreme Executive Council of this State, who are hereby directed and required to direct the Secretary of the Land-Office, to issue a warrant in the name of each of the persons who shall be so elected and returned to them for each respective township, for which he shall be so as aforesaid elected, which warrant shall be directed to the Surveyor General, commanding him to cause a resurvey to be made forthwith, of such township, agreeable to their original butts and bounds and to make return thereof without delay, into the Surveyor General's Office in Philadelphia, and upon every such return a patent shall issue in the name of such patentee who was so as aforesaid, elected and returned in trust and for the use of the said Connecticut claimants in that township, clear of expense except for making out the patent, for which

they shall pay the usual fees of office. And every Deputy Surveyor in whose district the township shall happen to be, shall for each and every survey by him made and returned as aforesaid, receive the usual fees and no more.

SECT. IV. *And be it further enacted by the authority aforesaid*, That in case of the death, neglect or refusal to serve, of any or either of the said patentees, then and in every such case, all the powers which was so as aforesaid conveyed to them, shall immediately be in the Prothonotary, Sheriff and Coroner of the said county of Luzerne for the time being, in trust as aforesaid, which Prothonotary, Sheriff and Coroner, or any two of them, shall from time to time have full power and authority to transfer, convey and make over, all or any part of such township which shall so fall under their direction as fully and as amply as the original patentee could have done agreeable to the original intent and meaning of this act.

SECT. V. *And be it further enacted by the authority aforesaid*, That when the Connecticut claimants by their proper representative, do neglect or refuse to make application to counsel for confirmation of their respective townships, as aforesaid, within months after the publication of this act, then and in every such case, the claimants to such township, which shall not be applied for, as is herein before directed, shall be forever after barred from any right or claim to the same.

Philadelphia: From handbill, printed by Thomas Bradford.

Indorsed,

Wioming Bill, published for consideration, but never enacted.

PROPOSAL FOR STATE ROAD, 1788.

To The Honourable the President of the Supreme Executive Council of the Commonwealth of Pennsylvania.

The Subscriber desirous of being appointed to open the State road lately laid out from Frankstown on Juniata River, over the Alegany Mountain to the Mouth of Loyalhannah, Do propose to open the same for Eighteen Pounds ℔ mile, fifty feet wide, (Except in such Places as may Require Diging, which shall be twelve feet,) or if it is thought necessary to contract the Width as much as the Contraction is less as much less will be taken for compleating the work by the Publicks Humble Servt.

AND'W NELSON.

31st March, 1788.

A State of Representation in Congress for March, 1788.

The following is a summary of the monthly table received from the Secretary of Congress (in detail) for each State. The States were represented as follows, viz.:

5 States on 1 day,	8 States on 1 day,
6 do " 2 "	9 do " 1 "
7 do " 11 "	

Three members from Penns[a], viz.: Messrs. Irvine, Armstrong & Reid, attended every day during the month except one—when only one member was present.

All the States except Rhode Island were represented during the session—New Hampshire, Massachusetts, Connecticut, and South Carolina, without interruption. The other States occasionally, not fully, and Georgia represented only on one day.

James Cunningham, Surveyor of Depreciation Lands, to Pres. Franklin, 1788.

The Subscriber begs leave to lay before his Excellency Benjamin Franklin, Esquire, and the Honorable the Supreme Executive Council, a Statement of the Surveys made by him in the Depreciation lands in the year 1785—A general Draft of which was returned into the Surveyor General's Office in January, 1786 (together with separate Drafts of each Tract).

In March following, 309 Tracts were sold under the direction of the Honorable Council. At different periods since that time, I have received fees for 276 Tracts, Amounting (at £3 10s. each) to £966

and remains yet due on 33 Tracts yet unpaid 115 10s.

Amount £1081 10

Paid Surveyor General acceptance fees for 309 Tracts at £3 9s. each, £57 18 9

The above business was performed at considerable risque and exposure; the subscriber finds himself agreived in being detained out of the fees due to him on the above mentioned Tracts; more especially as he has long since paid to the Surveyor General an acceptance fee for 309 Tracts (the propriety of which the Honorable Council will Judge).

Requesting your Honorable Board to take this matter into con-

sideration, and grant such relief as your Honors may think Just, I take the liberty of subscribing myself, with Sentiments of sincere respect and esteem,

Your most obedient, Humble Servant,
JAMES CUNNINGHAM.

1st April, 1788.

P. S.—The Surveyor's fees alluded to was paid in May, 1786.

JUDGES OF SUPREME COURT TO COUNCIL, 1788.

We, the subscribers, do humbly certify, that the within Petitioner, John Brown,* was tried before us, that he had Counsel assigned him in his challenges and to make his defence, and upon a fair hearing was convicted by an impartial jury, on evidence entirely satisfactory to us; that he was informed, that instead of the sentence of death, he was intitled to crave the punishment inflicted for such an offence by the Act of Assembly for the amendment of the penal Laws of this State, and that agst the earnest recommendations of the court to do so, he obstinately refused, and insisted for the sentence under the former Laws being pronounced agst him, which was at length passed.

We conceive it proper to inform Council that the Petitioner is an old Offender, and was pardoned in the year 1785 for a Burglary, in order that they may the better be enabled to determine upon the length of time he ought to labour for the Public on condition of a Pardon, to which indulgence We have no particular objections.

THO. M'KEAN,
GEO. BRYAN.

Philadelphia, April 5th, 1788.

His Excellency the President & the Hon'ble Supreme Executive Council of Pennsylvania.

Norris Town Jeal, April 2^{d}, 1788.

To His Excellency Benjamin Franklin, Esq'r, governor of the State of Pennsylvania, and the Honorable Council; the Homble Petion of John Brown, Languishing Prisoner Confined in this Jeil, under Sentance of Deth. Your Poor petioner Labours under the most painfull Confindment. Distatude of friend but God and your Honours, your Poor Petioner Humbly Sheweth, that During his Trial, having No body to speak in his Behalf, Neither Was I allowed any body to speak in my Behalf. I Humbly Beg that your Honours

* See Col. Rec., Vol. XV., p. 426.—He was ordered to be executed on the 12th of April.

may Take it in Consideration and pity my Distressed Condition. Your Charity for all men is Well Known; I Humbly Beg your honours Would Consider my Poor Condition, And afflict upon me any Punishments your Honours pleases—Either to banish, Confind, or Set me to hard Labour, I Did not Know or Consider what I was about. As it is your Honours' Power to do what you pleases with me, and I have taken it Into Great Consideration since I have been Under Sentance; that if you would allow to me that privilage that lies in your Honours' power, I Hope the Great God will Reward you; for so doing you will Have the Prayers of the most Humbly and Distressed petioner.

JOHN BROWN.

I Request the favour of your Honours to send answer by the Bearer, if you posiable Can, as the time is short. God, I hope, will Reward you for so doing.*

Chas. Hellstedt, Swedish Consul, to Pres. Franklin—War between Russia and Turkey, 1788.

Philadelphia, April 11th, 1788.

Sir,

Subjoined I have the honor of communicating to your Excellency the translation of a letter directed to me from Count F'. G. Oxenstierna, one of His Swedish Majes^tes^ Principal Secretaries of State, the promulgation of which mey be judged necessary.

I am Sir, your Excellency's
Most obed^t^, most h^ble^ Serv^t^.

CHARLES HELLSTEDT.†
Swedish Consul.

Directed,

His Excellency, Benjamin Franklin, Esq'r, Philadelphia.

Translation.

Stockholm the 9^th^ November, 1787.

Sir,

The war now kindleing between Russia and the Ottoman Port, will probably excite a desire amongst particular people to arm Corsairs, or to be interested in armaments against Merchant vessels of the two Empires, and the King, not willing to grant His protection

* Col. Rec., Vol. XV., pp. 423. 426, 427. Ordered to be executed. See p. 269, 277—280.

† See Col. Rec., Vol. XV., p. 433.

to enterprises, founded on hopes of an illicit gain, and contrary to the neutrality His Majᵗʸ has thought proper to adopt, has commanded me to inform you of these His sentiments, and by these authorises you Sir, to forbid all Sweedish subjects, who may be under your department to take any part directly or indirectly in such enterprises, either by selling their vessls, to be employed in piracy against the subjects of Russia or those of the Port, or chartering them for that purpose, or to enrol themselves on board vessels in that employment. In order to do your duty in this regard, it is the Kings will that you make the above His orders known to all it may concern, conformably to the strictest principles of Neutrality.

F'. G. OXENSTIERNA.

Directed,

Charles Hellstedt, His Swedish Maj'stis Consul, Philadelphia.

Charles Pettit to Pres. Franklin, 1788.

Philadelphia, 14th April, 1788.

Sir,

After my Return from New York in May last, I presented an Account to the Comptroller General in order to obtain a warrant from Council for a few weeks Pay as a Member in Congress. Considering it as a Business of course I neglected farther Application for some Time, but was at length told that Doubts had arisen in Council whether I was entitled to the Pay stated in the account or not. These Doubts seem to have arisen on one or other of the two following suppositions.

1st. That the Assembly, by the Election of Gen. Armstrong intended to supercede my Appointment, or

2dly. That the Time limited by the Constitution for my Continuance, was expired before I gave the Attendance for which I have claimed Pay.

As to the first, I am far from questioning the *Right* of the Assembly to supercede any one of their Delegates whenever they think proper. But having never received any Intimations of their Disapprobation of my Conduct as a Delegate, I cannot suppose they intended to brand me with so unusual a Mark of Displeasure.

As to the second.—The Federal Constitution limits the Service of Members to three years. It was for some Time doubted whether the three years should be computed from the Time of their respective appointments, or the Time of taking their Seats in Congress; but the words being that "no Person shall be *capable of being a Delegate* "for more than three years in any Term of six years," the former Construction has prevailed. The words of Limitation in the Constitution of Pennsylvania are "no man shall *sit in Congress* longer

"than two years successively." Hence it has been generally understood that the two years, so far as this Limitation applies, commence at the Time a Delegate takes his Seat in Congress, and this Construction has prevailed in Practice.

Those who best know me will do me the Justice to believe, that altho' I was duly sensible of the Honor conferred upon me by the Appointment, I was far from soliciting it; and that I should have been equally far from obtruding my Services in this last Period of Attendance if I could have supposed they would have been either deemed unacceptable or founded on doubtful Authority. I therefore take the Liberty of stating to your Excellency and the honble the Supreme Executive Council my view of the Subject at the Time of the Transaction.

In April 1785, The Legislature did me the Honor to elect me a Delegate. Being a Member of the House at the Time, I had some Doubts, in point of Delicacy of accepting the appointment, and had actually refused at a former Session to permit my Name to remain in the List of nominations; but it was again urged so warmly that I did not absolutely refuse, neither did I announce an Acceptance till some Time after the Session ended. In May I received the Credentials of my Appointment, and on the 27th of that Month I presented them and took a Seat in Congress. In the November Session following I was again appointed for the ensuing year. In November, 1786, I received a third appointment. As the Constitutional Limitation would admit but a few Months Continuance under this appointment, it was to me both unexpected & undesired; but being at New York at the time, and considering it as an honorable Testimony of Approbation which demanded my Gratitude, I accepted and continued to act under it till the Arrival of a sufficient number of my honorable Colleagues enabled me to retire for some Time without leaving the State unrepresented. This had so seldom happened before, that I felt the stronger occasion to avail myself of the Relief, and remained absent from Congress till the beginning of April 1787, during which Time so many States were unrepresented that little Progress was made in Business. Considering that the Time limited by the Constitution for my Continuance in the Delegation would expire on the 26th day of May, I began to decline the Thought of returning to that Duty; but there were then but two Delegates from this State at New York, one of whom was by his Station precluded from the ordinary Duties of a Member, and the other having signified to me his Desire to be relieved by a particular Day at which he must withdraw himself for a Time: recollecting moreover that some Matters of Business were likely to be resumed in Congress which my honorable Colleagues had had less opportunity of investigating than myself, I thought it my duty to give my Attendance tho' it should be but for a few weeks. On the Day of my arrival in Congress, General Irvine, who had been impatiently waiting for a Relief, departed. I had heard that General Armstrong

was elected & supposed that the Intention was to guard against a Vacancy when my Time should be expired, but had no Reason to suppose it was designed to affect my Continuance during that Time, nor did I receive any notification of such Election otherwise than from common Report, neither did I know till sometime after I went to Congress that the Gentleman elected had determined to accept the appointment. On his arrival at New York sometime afterwards, I obtained a sight of his Credentials and consulted with him & the President of Congress on the occasion, intending to retire immediately if I should discern the least Intimation that such had been the Design of the Legislature; but nothing of the kind appearing, I continued my attendance in Congress till about the 18th or 20th of May when I withdrew, supposing my Time of Service to be within a few Days of expiring by the Limitation.

I have taken the Liberty to ask the Attention of your Excellency and the honble Council to these Particulars not so much with a view to the Sum I have claimed, however desirable it may be to me, as in order to remove the Appearance of Censure which a Refusal of it would seem to imply, and which I am not conscious of having deserved.

I have the honor to be, with great Respect, Sir,

Your most obedient and most humble servant.

CHA. PETTIT*.

Directed,

His Excellency, The President of the Sup. Ex. Council.

War Department to Pres. Franklin, 1788.

War Office, April 15th, 1788.

Sir,

Captain Zeigler the bearer having been directed to repair to Pennsylvania on the recruiting service, I beg leave to request that the Commissioned Officers may be appointed to the quota of Pennsylvania conformably to the resolve of Congress of the 3d of October last, and the act of the General Assembly of the 10th of November.

As the recruiting service cannot commence with propriety untill the appointments are actually made by the executive Council, and as a recruiting party has arrived in Philadelphia, the public interests would be promoted by the appointments being made as soon as possible, and transmitted to this Office.

The number of Officers requested for the quota of Pennsylvania and the particular predicaments of Brigadier General Harmar are stated in my letter to your Excellency of the 31st of October 1787.†

* See Col. Rec. Vol. XV., p. 435.

† See page 208.

Should Captain Ziegler be favored with a reappointment, I hope the Council may think proper to make him the advances for the recruits specified in the Act of the Assembly of the 10th of November before recited.

I have the Honor to be, with the highest respect,

Your Excellencys most obedient Humble servant.

J. KNOX.*

Directed

His Excellency, The President of the Commonwealth of Pennsylvania.

Francis Swaine, (Shff.,) to Pres. Muhlenberg, 1788.

Montgomery Co., April 19th, 1788.

Sir,

Being informed that my conduct previous to the Execution of John Brown,* has been misrepresented, and conceiving it to be my duty to lay a State of facts before the Honorable the Supreme Executive Council; I beg leave to address these lines to you, and to give a true history of the matter, and which a number of respectable witnesses can testify. When the warrant was delivered to me on Tuesday the 9th Instant, I immediately proceeded to Norristown Jail, and on Wednesday morning communicated the same to the unfortunate Criminal, and then consulted a number of the Inhabitants among the rest Doctor Shannon, Mr. Lawrence, Mr. Pugh, &c., which was the most elligible spot to erect the Gallows; on which the last mentioned Gentleman said he thought the best place was on a cross street, near a lot of Col. Craig's; I reply'd I did not wish to offend Col. Craig by erecting a Gallows so near his Lot, but would rather get as near the back of the Jail as possible; accordingly, we fix'd the spot nearly behind the Jail on a public street; the next day my Deputy came to my house and informed me that Col. Craig was very much irritated that I should attempt to erect a Gallows on any of the streets, that it should not be erected on any of them, nor on any part of the plantation, and swore as soon as a Gallows was erected he would cut it down. I immediately went to Norristown to know what was best to be done, and consulted several of the people, informing them at the same time, that it was entirely immaterial to me where the Gallows was erected. Mr. Jonathan Roberts one of the Commissioners for Public Buildings, said he thought the burying ground a proper place, but which was as much in view of the Town as any other spot; this was fenced in by Col. Craig, he then mentioned the public landing on Schuylkill,

* See Col. Rec. Vol. XV., p. 435, 437, 438.

† See page 264.

but that was fenced in also, he then went to Col. Craig, but nothing was done; he went a second time and returned, and inform'd me I should walk with him to view a spot on Stoney Creek, near the bridge, that he thought Col. Craig would have no objections to that place; I immediately went with him accompany'd by Mr. Smith, Mr. Baird and the Clergyman, who attended the Criminal, when we came to Col. Craig's house, I saluted him in a friendly manner, conscious that I had given him no offence, and intended to speak with him on the subject, but before I had utter'd three words, he got into a most violent passion, which burst forth into a torrent of abuse—the company amazed, I presume, at his conduct broke up and the place was left unexamined; the day being nearly spent and no place fix'd upon, I directed the Jailer to have the Gallows erected near the Jail Wall, which is public ground, it was accordingly erected there in the night, and every thing in readiness, but on Saturday morning about 8 o'clock, to my great astonishment, Col. Craig cut it down reduced to this Dilemma, I thought it the most prudent step to send an Express to Council to know what further steps to take, and receiv'd an answer from the Attorney General in due time, and the criminal was executed in a field belonging to the College, with the approbation of Col. Craig; the above, Sir, is a true state of the matter, and submit it to the honorable Council whether I have acted right or wrong.

I have the honor to be,
Sir, your most
obedient Servant,
FRANCIS SWAINE.

Directed,
The Honble Gen'l P. Muhlenberg, V. P., Philadelphia.

Col. Jos. Harmar to Pres. Franklin, 1788.

Fort Pitt, April 24th, 1788.

Sir,

I have the honor to acknowledge the receipt of a Letter from the honorable Vice president in Council, dated the 23rd February last, enclosing me the late Law of the State for re-enlisting the Non-Commissioned officers and privates of the Pennsylvania quota for the further term of three years, and at the same time enclosing me three seperate orders on the treasurers of Westmoreland, Washington and Fayette Counties, for monies for this service, amounting in the whole to 780 dollars. The order on Washington County has already been presented, and the answer given by the treasurer was, hat there is no hard money in the treasury, and that only a part

of the money can be had, and that in paper. The other Drafts when presented, I am apprehensive will share the same fate. I cannot conceive it to be the wish of Council that these drafts should be paid in the paper currency, as it will not answer the intended purpose of recruiting; I must therefore beg of your Excellency and the honorable the Council to make some other arrangements, in order that hard money may be placed in my hands, which will greatly expedite the recruiting service.

We shall be happy to receive our New Commissions upon the return of Lieutenant Beatty, the pay master.

I am now upon my tour to visit the post established at Venango. The fortress is honored with your Excellency's name. Be pleased to receive the enclosed, North view and profile of the works, likewise a small map of the Country adjacent.*

I have the honor to be,
with the highest Esteem &
respect, your Excellency's &
the honble Council's most
hble. and obedient Servant,
JOS. HARMAR,
Lt. Col. Com. 1st U. S. Regt.

Directed,

His Excellency, B. Franklin, Esq., President & the Honble The Supreme Executive Council, Pennsylvania.

V. P. Muhlenberg to Gov. of Massachusetts, 1788.

In Council,

Philadelphia, April 24th, 1788.

Sir,

By the direction of Council I do myself the Honor to acknowledge Your Excellency's favor of the 3d, containing a Resolution of the General Court of Massachusetts,† by which their resolution pass'd the 8th of February, offering a Reward for apprehending Daniel Shays, Luke Day, Adam Wheeler and Eli Parsons, together with the proclamation issued in consequence thereof are repealed and annulled; in consequence of this information from your Excellency, Council agreeably to the enclosed resolution have annulled the proclamation

* Not found. † See Col. Rec., V. XV., p. 443.

issued in this State, by which an additional reward was offered for apprehending the above mentioned persons, if found within the limits of this State.

I have the honor to be,
Your Excellency's most
obedient and very hble. Servt.,
PETER MUHLENBERG, V. P.

Directed,

His Excellency, John Hancock, Esquire, Governor of the State of Massachusetts.

V. P. Muhlenberg to Justices of Northampton Co., 1788.

In Council,
Philadelphia, April 24th, 1788.

Gentlemen,

A Petition and Memorial from Jane Rosborough, relict of the Rev[d] John Rosborough,* late Chaplain in the Army, killed at Trenton, was this day presented to the Board, from which it appears that the Widow & her Children are much distressed, and as on further enquiry it appears, that Mr. Rosborough, deserved well of his Country, and lost his Life in defence of it; Council wish to grant her every relief consistent with the Laws in such cases, made and provided; and as the proper mode of redress lies in the first instance with your Worships; Council desire to recommend her to your notice as a person highly deserving every favor her grateful Country can bestow.

I am, Gentlemen, with respect
and Esteem, your most obedient
and humble Servant,
PETER MUHLENBERG.

Directed,

To the Worshipful the Justices of the Orphans Court of the County of Northampton.

* See Col. Rec., XV., p. 443.

Attorney Genl. and Wm. Lewis to V. P. Muhlenberg, 1788.

Sir,

We beg leave to report to Council that in the case respecting the application of David Neiss for the money arising from the sale of one hundred Barrels of Flour said to be forfeited by John Rheiner we have mutually agreed that the question be submitted to the determination of the Judges without any argument on the case stated, as was originally intended, & that the opinion of the Judges shall be conclusive on the parties. We understand that this mode will be agreeable to council, & therefore have readily adopted it.

We have the honor to be,

with great Esteem, Sir,

your most obedt. & very hum. Servts.

WM. BRADFORD, Junr.,
Atty. Genl.

WM. LEWIS.

Directed,

The Ho'nble The Vice President in Council.

Indorsed,

Read in Council April 30th, 1788, and ordered That the several papers respecting the application of David Niess for the money arising from the sale of one hundred Barrels of flour said to be forfeited by John Rheiner, be referred to the Honble. The Judges of the Supreme Court, for their opinion and report thereon.

Extract from the minutes,

JAMES TRIMBLE,
for Charles Biddle, Secy.*

Lieut. Col. Wm. Coats to Pres. Franklin, 1788.

Northern Liberties, April 30th, 1788.

To His Excellency The President, And the Honorable the Supreme Executive Council,

Gentlemen,

At the Particular Desire of the Officers of the 7th Battalion of the Militia of the City and Liberties of Philada. which Battalion I have the Honour to Command, which Battalion was laid off and

* See Col. Rec., Vol. XV., p. 446, 452.

Form'd out of the Fifth Battalion now Commanded by Col Benjamin G. Eyres, and it has so happened the greatest part of the Arms belonging to the Publick, remained with the 5th Battalion, and on Enquiry Find that Mr. Joseph Perkins one of the Armorers has about one hundred stand of Arms in his Hands, that is not claimed by any particular Battalion, he therefore Begs that Council will be pleas'd to grant the subscriber an order to receive said Arms for the use of his Battalion, which will oblidge,

Gentlemen, your Humble Servant,

WM. COATS, Lieut. Col. 7th Batt.

Directed,

To the Supreme Executive Council, Common Wealth of Pennsylvania.

Lieut. Col. Wm. Coats to Pres. Franklin, 1788.

Philad. County, April 30th, 1787.

To His Excellency The President, And The Honorable the Supreme Executive Council for the Common Wealth of Pennsylvania.

I do Hereby Certify,

That at an Eleetion held the 23d Instant at the House of Mr. John Hessers in German Town for the Choise of one Lieutenant Colonel and one Major, in the Room and stead of Matthew Holegate Esqr., Deseased, Late Lieut Colonel of the 2nd Battalion of said County, and John Nice Esqr., late Major, Resigned, on Casting up the Pole it appeared that Thomas Dungan was Duly Elected Lieutenant Colonel, and John Levering Esqr., was Duly Elected Major to Command said Battalion, and Henry Brunner Esq., returned as Captain of the 5th Compy. and Mr. George Warner Ensign of said 5th Company of said Battalion, in the room of Peter Fraley Esqr., Resigned and Mr. Henry Brunner late Ensign of said Company Prefer'd.

WM. COATS, Lieutenant C. P.

Directed,

His Excellency The President And the Supreme Executive Council of Common Wealth of Pennsylvania.

State of the Representation in Congress, 1788.

A State of the Representation in Congress for the Month of April, 1788, Pursuant to the Act of 17th August, 1785.

The following is a summary of the monthly Table received from the Secretary of Congress (in detail) for each State. The states were represented as follows viz:

4 States represented on 7 days,
5 " " " 3 "
6 " " " 7 "

Pennsylvania represented by 2 members on 8 days, and by 1 on 9 days. None from Rhode Island.

Election of Burgesses, &c., for Reading, 1788.

[L. S.] To His Excellency Benjamin Franklin, Esq., President, and Honourable Supreme Executive Council.

Whereas an Election held on the first day of May, A. Domini, 1788, at the Court house in the Borough of Reading, in the County of Berks, by the Inhabitants of the said Borough, the following persons were Duly elected, Vizt.:

		Number of votes each.
Burgeses.—	James May,	18
	Peter Nagel,	14
Ass't Burgeses.—	John Reitmeyer,	31
	Jacob Kraul,	31
	Kraft Thener,	31
	Christ'n Merckel,	31
Clk.—	Collinson Read,	31
High Constable.—	John Fesig,	18

I, John Fesig, the preceeding High Constable, Do Hereby Certify that the above is a True Return of the persons elected for the Different Offices as above specifyed. Witness my hand and seal the 2nd Day of May, A. Domini, 1778.

JOHN FESIG.
Late Constable.*

* See Col. Rec., Vol. XV., p. 463.

V. P. Muhlenberg to C. J. McKean.—Powder Magazine, 1788.

In Council,
Philadelphia, May 2nd, 1788.

Sir,

Captain Stiles, Commissary of Military Stores, and keeper of the Magazine, reports to Council that so large a quantity of powder has been imported this Spring; that both the Magazine and Guard House are full, and that he has been compelled to store the remainder in a wooden building, and that more powder is still expected. Council apprehend the safety of the City may be endangered if precautions are not taken to secure the powder as well as circumstances will admit, and as no provision is made by Law to direct Council on this occasion, they request your advice, (together with the advice of such of the Judges as may be in town,) in what manner and by what means the threatened danger may be best averted.

I am Sir, with great respect,

Your most obedient and very humble servant,

P. MUHLENBERG.*

Directed,

Honble. Thomas McKean, Esquire, Chief Justice of Pennsylvania.

Thomas Craig to Pres. Franklin, 1788.—John Brown.

Norriton Farm, 5th May, 1788.

Sir,

By a resolve of your Honorable Board, and a Letter from the Sheriff of Montgomery County, it appears that I am charged with opposing the execution of a criminal by the name of John Brown,† on Saturday, the 12th of April last. I cannot find words to express my astonishment of the representation of the business; nor did I think it possible that the sheriff could ever have attempted to state it as he has, or that he could ever wish to hear more of his conduct in that affair. And permit me to assure your Excellency and the Honorable Council that my feelings on this occasion cannot be described, and I do most solemnly declare upon Honor, that I never had the most distant idea of any thing of the kind, nor can I think that there is any member of your Honourable Body with whom I

* See Col. Rec., Vol. XV., pp. 447, 452, and opinion, Archives, p. 283.
† See pages, 264, 269.

have the honour of an acquaintance, that ever gave Credit to it. Can it be possible that a Man who has served you faithfully from the commencement of the late war to the end of it, in order to establish the present Government—a man that has gone forth on every occasion to support the Laws of his Country,—I say can it be possible to suppose him capable of such an act? Let me assure your Excellency it was not the case; and let me hope your Honorable Body will pardon me in saying that there is scarcely one word of truth in what he calls a state of facts; and I flatter myself the Certificates which I forward with this, together with my own statement of the matter, will place my character in a different point of light from that which the Sheriff wishes to place me in. And permit me to add that I feel great pain in being brought forward before your Honorable Body in a dispute with a man that the records on your files contain charges against, and charges that a jury of twelve respectable characters decided upon—which decision has branded him with every mark of infamy.

I have the Honor to be with every sentiment
Of esteem and respect Your Excellency's
Most obedt. and most Hble. servant,

THOS. CRAIG.

Directed,

To His Excellency Benjamin Franklin, Esquire, President of the Honorable the Supreme Executive Council of the State of Pennsylvania.

Statement of Wm. Moore Smith.—John Brown, 1788.

On Thursday preceding the Saturday appointed for the Execution of John Brown,* I returned to my home at Norristown from Philadelphia. I was informed that the Sheriff had fix'd on Airy Street as the place of Execution; Every person with whom I had any Conversation on the subject, seemed dissatisfied at the Conduct of the Sheriff. His Deputy had been sent up to the Trap, where the Sheriff lives, with some message on the subject. In the afternoon the Deputy returned—He said he had delivered a message to the Sheriff, to the following purpose, "That the streets of the town ought not to be made the place of a capital Execution, & that the Trustees of the University had engaged, at the time the town was laid out, to grant Lots for any public purpose when called upon, and that there was full time enough for the Sheriff to apply." The

* See pages 264, 269.

Sheriff returned for answer "that he would be down at Norristown early the next morning." About noon the next day he called at my office, I told him of two places, one at the End of the farm, up the Sweed ford road, at the point of a peice of Wood land, which would be remote from the town; the other at the point of Land at the mouth of Stoney Creek—and if he would fix upon either of them, I was certain no objection would be made. I went up with the Sheriff to look at the first place; On our return we met Jon[a] Roberts & Jno. Pugh; Mr. Roberts went down with me to Col. Craig's to dine. Col. Craig desired Mr. Roberts to inform the Sheriff "that he could give no consent to erecting a Gallows on the Farm, but that he would make no Objection or Opposition, to any part which might be fixed upon at a sufficient distance from the Town." After Dinner I went with Mr. Roberts in search of the Sheriff, and the above Information was given to him. It was agreed then to walk to the point of Stoney Creek to view the spot. As we came down as far as Col. Craig's door, the Sheriff went up to speak to Col. Craig—Col. Craig desired him to begone, as he chose to have no Conversation with him; On the Sheriff asking his reason, he receved for answer "that he was an impertinent Scoundrell"—which was the only harsh term he used. The Sheriff went away to the Tavern. I had no further Conversation on the subject at that time—but concluded he would have the Gallows erected at the mouth of Stoney Creek. The next morning the Gallows was discovered at the side of the principal Street of the town, between the Court house & Goal, in the full view of most of the houses erected in the town. Col. Craig went up and cut it down. As soon as he came back, he requested me to find the Sheriff and inform him that he might have his Gallows taken to any part of the farm, and no opposition should be made, but that he was not to Insult the Inhabitants by erecting it at their Doors. I found that the Sheriff and his Deputy had set off on horseback to the City. I ordered my horse and instantly followed, and overtook them about three miles from Norristown. I desired the Sheriff would come back, that he should have every assistance, that the frame of his Gallows was removed to an unexceptionable spot, and could soon be put up. He refused to come back—I then requested he would send back his Deputy, who might direct the Overseer of the Convicts to put up the frame on the spot to which it was removed—for the Sheriff, I understood, had left Orders that no person under his Directions should lend the least assistance He would not suffer his Deputy to go back. I observed to him that he was making bad worse, and would certainly ruin himself, for if his conduct was improper & insulting to the Inhabitants of Norristown, he would acquire many Enemies & very little Credit—but if, on the other hand, he had a right to erect the Gallows at whatever Door he pleased, a Sheriff with the Power of the County at his Commaud, could never justifiy the neglect of his Duty, because opposed by an Individual. After some time he pro

ised to return in a short time, as he wished to meet some gentlemen
Steer's Tavern, where he would not stay long.—I then turn'd
ack & got to Norristown before nine o'clock.—One of the work-
en on the farm had taken a pair of horses & removed the frame of
e gallows into the upper part of a large field at a Distance from the
own—and an express was sent to Steer's to inform the Sheriff of
hat was done—He at length returned & every thing was prepared
ithin the time limited in the first warrant & the criminal actually
xecuted before two o'clock.

The above is a faithful state of the Circumstances & facts within
y knowledge.

WM. MOORE SMITH.

Norristown, May 5th, 1788.

Certificate of Jonathan Roberts—John Brown, 1788.

I do certify that on the 11th of April, I was at Norristown the day
efore the Execution of a certain Brown,* a criminal under sen-
ance of Death where I met with Francis Swaine, High Sheriff of
Montgomery County, he informed me that he some Day before in
ompany with other gentlemen fixed the spot for Execution in Airy
treet, and ordered the goaler to Erect the gallows there that Col.
Craig had forbiden the Erection, it was then proposed by John Pugh,
n presence of the Sheriff, that he and I would wait upon the Col.,
nd Endeavour to Rectify any mistake between them to which the
heriff fully assented to, & said he was sorry that any misunder-
tanding or uneasiness should have hapned between him and the
ol. or other inhabitants on the occasion, Pugh & I accordingly
aited upon the Col. and Informed him of our Bussiness, he told us
t was true he had forbid the Erection of the Gallows in the pro-
osed place, that he thought it as Great an insult as could be offered
o the feelings of any people if Done in the place proposed; I then
sked the Col. where would be a proper place, he said he had no
bjection to any spot, provided it was out of the sight of the inhabi-
ants of the town and with the consent of the trustees of the univer-
ity; I told the Col. I doubted the time being too short for such an
Application, he insisted upon its being done, and pledged himself
hat such consent might be obtained at least from those trustees who
ad the management of the farm, and that the sheriff had timely
otice for making such application; I then Returned to the Sheriff,
nd Informed him how matters stood and gave it as my opinion that
e ought to make application to the trustees, but he Shewed no dis-
osition for complying, I then proposed to the Sheriff a strip of land

* See pages 264, 269.

over Stoney Creek, adjoining Schuylkill which he seemed satisfied with, and was in company of S. Baird & W. M. Smith, going to view it when I left Norristown, fully satisfied the afores'd place would be the place of Execution; this being the substance of what passed between the Sheriff & Col. & my self, as far as my memory serves me at this time.

In witness whereof I have hereunto Subscribed my Name.

JONATHAN ROBERTS

Hon. James R. Reid to V. P. Muhlenberg, 1788.

Philadelphia, 5th May, 1788.

Sir,

I am under the necessity of applying for a draught on your treasury, there is a considerable sum due me, and as it is a custom with other States to be three months in advance with their Delegates, I presume Pennsylvania are not less disposed to accommodate their delegates than any State in the Union, and therefore beg leave to ask for five months pay or £350 on account.

I am very respectfully,

your obedient Servant,

JAMES R. REID.*

I need not mention the State of the paper money, nor do I expect to draw the money bad as it is but can make such use of the order as will answer present purposes.

N. B. Mr. Nicholson is going abroad.

Directed,

The Honble. Peter Muhlenberg, Esqr., Vice President of Pennsylvania.

Lieut. Jeremiah Talbbot to V. P. Muhlenberg, 1788.

To the Honorable Peter Muhlenburg, Vice President, and the Honorable the Supreme Executive Council.

Gentlemen,

I herewith transmit you a return of an Election for a troop of Light horse for Franklin County which I wish to Commission; the reason I wish to offer Council for the number being only twenty one, is owing to a Doubt in myself Respecting the Law; agreable to that, six men are to be chosen from Each Battallion to form

* See Col. Rec., Vol. XV., p. 449.

he Troop. There being but three Battallions in this County, I would not suffer more than that number to vote. I wish the opinion of Council in This matter.

I am Gentlemen,
with Every mark of Esteem,
your most obedt. Humble servt.

JEREMIAH TALBBOT.
Lieut. F. County.

Directed,

To The Honorable Peter Mulenberg Esquire, Vice President of the Supreme Executive Council Philadelphia.
Hon'red By Wm. Ridick.

V. P. Muhlenberg to Timothy Pickering, 1788.

In Council, Philada. May 6th, 1788.

Sir,

A Petition has been presented to Council by one George Smither of Luzerne County complaining of James Nesbitt and Benjamin Carpenter Esq., two of the Justices of the County. From the papers laid before the Board it appears that the magistrates have not any Law to support them in their proceedings against Smither. Council wish you to enquire particularly into this business and make report to them as soon as possible.

I am Sir with much respect,
your obedient and very humble servant,

PETER MUHLENBERG, V. P.*

Directed,

To Timothy Pickering Esq., Luzerne County.

Secretary Biddle to Secretary of War, 1788.

Secretarys office, Philadelphia, May 7th, 1788.

Sir,

By direction of Council I have the honor to transmit to you a Copy of their proceedings on the 18th of April last* By which you will perceive that Lieutenant Colonel Josiah Harmar and other

* See Col. Rec., Vol. XV., p. 450. † See Ibid 437.

officers therein named are continued in the Command of the State's quota of Troops to be raised for the defence of the Western frontiers.

I have the honor to be,
with great respect your obedient,
and very humble Servant,
CHARLES BIDDLE, Secretary.

Directed,
Honorable Major General Knox.

Resolution of Congress,—Settlement of Accounts, 1788.

By The United States in Congress assembled,
May 8th 1788.

On a report of the Board of Treasury to whom was referred a motion of Mr. Carrington.

Resolved, That Congress proceed to the election of two Commissioners for settling the accounts of the five great Departments to continue in office one year.

Ordered, That the Commissioners of accounts for the Quartermasters, Commissary's Hospital, marine and Cloathing Departments with the approbation of the Board of Treasury commence suits in behalf of the United States, against all persons in any of the said departments who stand chargeable with public monies, and whose accounts shall not be lodged with the proper Commissioners within four months computed from the present date, and that this order be published in the several States for the period above mentioned.

Resolved, That the said commissioners be directed to continue their unremitted attention to the final adjustment of all accounts which have arisen in the said departments, and to the recovery of all sums for which suits may be commenced, and that at the termination of their commission they deposit with the Register of the Treasury all the Books & papers of their respective offices, together with a general abstract of the sums due from Individuals, in order that immediate measures may be adopted for the recovery of the same.

Congress proceeded to the election, and the ballots being taken Mr. Jonathan Burral, was elected a Commissioner for settling the accounts of the Quarter Master's & Commissary's departments, and Mr. Benjamin Walker, was elected Commissioner for settling the accounts of the Hospital, marine and Cloathiers Departments.

CHA. THOMSON, Secy.*

* Col. Rec., Vol. XV, p. 458.

Opinions of Judges of Supreme Court.—Powder Magazine, &c., 1788.

Philadelphia, May 8th, 1788.

Sir,

We received the Act of Council of the 2nd instant,* requesting our advice on the report of Captain Stiles, Commissary of military stores and keeper of the powder magazine, respecting the large quantity of powder now in the city, which cannot be stored in the magazine. By the common Law every publicum nocumentum or nuisance is indictable, and we conceive, that keeping so large a quantity of powder in the city as may endanger the houses and lives of the inhabitants is of that nature, but by Act of Assembly any person is authorized to keep any quantity in his house not exceeding thirty pounds in weight. The Supreme Executive can take order as to the execution of the laws, and use their endeavours to prevent the destruction of the citizens, and therefore as the magazine will not contain all the powder in the city, and there is no other place provided by law for storing it, we are of opinion, that they have power to direct, that the surplus powder may be kept in some safe place at a distance from any dwelling house, and we apprehend such a place may be most convenient near the river Delaware, either above Kensington or below Southwark.

We have the honor to be, with great regard,

Sir, Your Excellency's and the Council's most obedient humble servants,

THO. McKEAN,
GEO. BRYAN.

Directed,

To His Excellency Benjamin Franklin, Esquire.

Philadelphia, May 8th, 1788.

John Rheiner,
David Rittenhouse, Esquire, Treasurer of Pennsylvania.

Amicable Action.
Reference from Council on a case stated for the opinion of such of the Judges of the Supreme Court as are in town.†

The question proposed to the Judges on the case stated is, "Does the money thus remitted belong to the Commonwealth or to John Rheiner.

Answer,

We have considered the question, and are of opinion, That the money thus remitted belongs to John Rheiner —Judge Rush, tho' now absent concurred in this opinion.

THO. McKEAN.
GEO. BRYAN.

* See page 276, and Col. Rec., Vol. XV., p. 452—3.
† See page 273, and ib.

Capt. David Zeigler to President Franklin.—1788.

Sir:

Abraham Widdow, a soldier in my Company, which was killed last July in the river Wabash by the Kikabus Indians, left in my Possession his Patent of 200 acres in Westmoreland County, Granted him by this state, for his Passed Services rendered last war, made no Will, has also no relation in this Country to my knowledge, would wish of your honorable Body to be informed how to act, with respect of the Pay and Arrears is, when no will or relation are to be found, all those are gains to the United States According to the rules of the Articals of last war.

When I marched last from the City, Col. Harmar directed me to furnish my men with a Smal Jacket: (called fatigue Coats) to preserve the New Cloathing. I did so and purchased the Cloathing and trimings at a great price at Pittsburgh, and as Casualities will happen in a Company, meet with a considerable los, and although my fond is of a Little Weight, mus for the Ambition Sex have some again made, if only your honorable Body grant me the Allowance the Hon'ble the House of Assembly voted to the recruiting Officers, (which was One Dollar ℔ men) and some Expences rendering that service to enable me to outshin every one on the Vestern station.

I have received thirty Dollars in gold from Mr. Nicholson the Controller, and twice I have Borowed Money of the same kind for to go on with the Bussiness, untill his return.

Suffer me to say that I am as

Dutyfull as Obedient

Sir Your most humble and most

Obedient Servant

DAVID ZEIGLER.

Philadelphia, May 9th, 1788.

Directed,

To the honorable the Vice President of the Commonwealth of Pennsylvania.

V. P. Muhlenberg to Gov. Randolph, of Virginia, 1788.

In Council,

Philadelphia, May the 9th, 1788

Sir,

The Board of Property having by their Memorial of the first instant informed The Supreme Executive Council of this State, that they are in many instances prevented from deciding with precision (and agreeably to the Compact entered into by the States of Vir-

ginia and Pennsylvania) on disputes subsisting between persons claiming Lands in the Counties of Youghionia, Monongalia and Ohio, owing to their being unprovided with such of the Laws of Virginia as relate to that subject—Council have therefore directed me to request your Excellency would be pleased to direct that this Board may by furnished with the Laws of Virginia respecting the adjusting the titles to unpatented Lands in the aforesaid Counties together with such other Laws of the said Commonwealth as were enacted previous to the final ratification of the Compact between the States of Virginia and Pennsylvania—likewise the Act of the Convention of 1776 in which the Lands and Territories included within the chartered Bounds of North Carolina and Pennsylvania were ceded to the People of the said States respectively.

I have the honor to be with great respect

PETER MUHLENBERG, V. P.*

Secy. of Congress to President Franklin, 1788.

Office of Secretary of Congress,
May, 12th, 1788.

Sir,

Congress being anxious to bring to a close the public accounts as far as they relate to the late Quarter Master's, Commissaries, Hospital, Marine and cloathing Departments have passed the Resolutions, which I have the honor to transmit to your Excellency herewith enclosed. As the order to the Commissioners to commence suits may affect some of the citizens of your State, I have to request that your Excellency will be pleased to cause it to be published for the information of all concerned.

With great respect
I have the honor to be
Your Excellency's
most obedient and
most humble servant

CHA. THOMSON.†

Directed

His Excellency, The President of the State of Pennsylvania.

* See Col. Rec., Vol. XV., p. 451.

† See Col. Rec., Vol. XV., p. 458.

GEORGE BRYAN TO SECRETARY BIDDLE.—STATE ISLAND.

Philadelphia, 12th May, 1788.

Sir,

On Friday last I went to the Hospitals at the State Island (accompanied by the Hon'ble Mr. Baird) to view the condition of every thing there.

The Hospitals require a new cover of shingles. The southern shed of the roof is the worst, but the whole must soon be renewed in order to prevent damage to the Fabric. I would observe that shingles and workmanship may be had at present, on very moderate terms.

The *Wharf*, absolutely necessary for the landing of sick persons from ships, is much damaged by Storms and the driving Ice during the winter season. Should the repair of it be deferred, the mischief will probably be greatly heightened. As the Wharf is chiefly of Stone, there will be need of 100 to 150 perches of heavy picked Stone from one of the Quarries near Chester to raise it high enough to withstand the rough water; this I am told may cost with flat hire 8 or 10 s. ℔ Perch. Filling may be gotten out of the adjoining Cripple ground, as blue mud will be the best.

MR. JONES, the steward represents that the pump is nearly rotted and that it must soon be useless. A pump is indispensible, but I apprehend as the well is shallow a short Tree will suffice.

Of the Funds of the Hospital arising from a poll Tax of Eighteen pence per head on all passengers arriving in the Port, are not productive at present, the Trustees must refer the above mentioned particulars to the honourable board, to whom I beg you will communicate them. Mr. Bayard, the other Trustee, is gone to New Brunswick.

I am, Sir,

Your most obed't servant,

GEO. BRYAN.

Directed

To Charles Biddle, Esq., Secretary &c.

SECRETARY BIDDLE TO JUSTICES OF BERKS COUNTY, 1788

Secretary's Office,

Philadelphia, May 13th, 1788.

Gentlemen,

By direction of Council I send you inclosed a list of Witneses * to be examined upon oath before you, touching the irregularities

* See Col. Rec., Vol. XV., p. 454.

complained of at an Election of Justices of the peace held on the fourteenth of last Month in and for the district composed of the townships of Colebrookdale, Earl and Oley in the County of Berks.

I am, Gentlemen

Your obedient and very humble Servant

JAMES TRIMBLE,

for CHARLES BIDDLE, Sec'y.

Directed

John Otts Jacob Weaver and Paul Groskup, Esq'rs., Justices of the peace in and for the County of Berks, or one of them.

V. P. Muhlenberg to Col. Josiah Harmar, 1788.

In Council,

Philadelphia, May 16th, 1788.

In examining the Records of Council we find that Thro' inadvertancy a Commission issued to Mr. Spear for a Lieutenancy notwithstanding Council had determined, That the Officers belonging to the Quota of this State, should rank agreeably to Seniority since they were commisson'd in Your Reg't. Council have therefore directed me to give you this information, and to express Their desire That the final determination on the rank of Messrs. Denny and Spear may remain suspended untill You have an opportunity to lay their several pretensions before the Board, That if it should appear Mr. Denny is the Senior Officer in Your Reg't, he may be Commission'd accordingly. P. M., V. P.

Directed—To Lieutenant Colonel Commandant Josiah Harmar.

To Secretary of Foreign Affairs, 1788.

(Circular)

Office for Foreign Affairs, 17th May, 1788.

Sir,

I have the Honor of transmitting to your Excellency herewith enclosed, a Copy of an act of his most christian Majesty's Council of State "for the Encouragment of the Commerce of France with the United States of America" passed the 29th December 1787,* together with a Copy of a Letter on the subject of it from his Majesty's Comptroller General of Finance to the Honorable Mr. Jefferson, dated on the same Day.—

* See page 220. Also, Col. Rec., Vol. XV., p. 463.

Although these Papers have already appeared in the Gazettes, yet not having been until lately communicated officially to Congress, they could not sooner be published by their Authority.—

I have the Honor to be with
great Consideration and Respect
Your Excellency's
Most ob't and very h'ble Servtt.

Directed JOHN JAY.

To His Excellency Dr. Benjamin Franklin, President of the Commonwealth of Pennsylvania.

JOHN HASSE TO HON. ROBERT TRAILL—JOHN JUNGMAN, 1788.

Bethlehem, May 19th, 1788.

Dear Sir,

I take the Liberty to enclose a Petition to Council of John Jungman,* of whom a Sum of Money for Arrearages of Substitute Money during the War, is now demanded by Col. Craig, by order of the Comptroller General.

The Tenor of the Petition will inform you of the Circumstances according to Truth, and I only beg leave to add, that John Jungman, after having been actually employed as an Assistant Missionary among the Indians (chiefly the Mahikans) for several years, not as an Assistant in procuring the Living of the other Missionaries only but to learn their languages and to teach them the Doctrines of Christianity which he has done faithfully as long as he was able and 'till a very severe hypochrondiac disorder obliged him to return to Bethlehem. If it should be necessary that his Sickness should be certified, Dr. Horsfield, whose Integrity you are not unacquainted with, will at any time be willing to certify the same, so that it will appear that he was absolutely unfit for military duty.

It is quite unnecessary for me to aquaint you that it is a Rule among the Brethren, that even their Missionaries when they return tho' it be only for a time, will, when not disabled by Sickness, do some Work in order to earn their Living. This was the Case with Jungman, and for that reason and by the advice of his Physicians who thought bodily Exercise very beneficial to him, he worked the Ferry for three years and during the Time when the Hospitals and other Parts of the army were continually passing and repassing the Ferry over the Lehigh.—If a Certificate for that Purpose should be necessary, I am in hopes my Testimony, who, You know, great Part of the Time was employed by the Directors of the Hospital as Commissary, would be accepted.

* See page 304.

Permit me, Sir, to add, that I am sensible that any other Society who used such Endeavours in Civilising the Indians by instructing them in the Doctrines of Christianity, and by this became so beneficial to their Country in General, would expect it in Equity of Government, that their Missionaries, tho' not ordained Ministers, when they are disabled by Sickness to continue there, should be free from Military Duty afterwards, and it is my private Wish, that the Honorable the Council may exempt poor Jungman from Military Service for the time to come, tho' he is too modest to petition for the same. I am aware of the Objections against it, viz. that if it was granted, the Brethren might send all their young People there upon an Errand and thereby make them become Assistants and so avoid bearing their Shares of the burthen of the Country, But if such objectors would only be pleased to consider the Expences of the Journey of one single Person to those Parts, they would find the Objection frivolous.

I will not lengthen this Letter with begging Pardon for the Trouble I give you, but only assure You that I am sincerely with true Regard

Dear Sir

Your most obedient h'ble Serv't

JOHN HASSE.

Directed,

Robert Traill, Esq's,
favoured by Cha's. Mixsell.

Robert Traill to Pres. Franklin—Death of R. Levers, 1788.

Easton, May 21st, 1788.

Sir,

I have to inform your Excellency that yesterday evening Mr. Levers,* the Prothonotary of this County departed this life leaving a distressed family.

I have fastened up the Office for the safety of the public Records &c., as I have had the care of the same during his late Illness—should any thing be wanting, shall officiate 'till Council shall be pleased to appoint another person.

With this you'l receive my Resignation* to my Seat in Council and my Application for the above Office, which seems rather not so clever to come together, but hope I shall be excused—shall be under great Obligations to your Excellency (should you think me worthy) to promote the same.—I remain with respect

Your Excellency's most obed't h'ble Serv't.

ROB. TRAILL.

Directed,

His Excellency Benjamin Franklin, Esq.

* See Col. Rec., Vol. XV., pp. 460. 461

Secretary of War to Capt. Zeigler, 1788.

War office, May 20th, 1788.

Sir,

Your favors of the 26th and 28th ultimo, 9th & 16th Instant with your accounts and weekly return enclosed have been duly received.

I have received officially the appointment of the Pennsylvania officers, and it gives me pleasure to find that the old ones are continued.

With respect to the clothing you request for a cadet, you will appropriate one of the suits that are to be sent on to complete your company's clothing to this purpose.

All the Soldiers whose times of service have expired and who shall not re-enlist, will receive the amount of the clothing due them at the same time that they receive their pay.

I hope you will be able to receive soon the monies necessary for continuing the recruiting service in solid coin, as the depreciated paper will by no means answer your purpose.

I am satisfied with your application to Doctor Glentworth for his attention to your men when sick, but in this business it is necessary that you stipulate with him the terms on which his visits are to be made and inform me thereof.

I desire to be informed how long it will be according to your present prospects before you will have enlisted the number of men directed in your instructions, and what time you think you shall be ready to march.

I am, Sir,

your most obedient servant,

J. KNOX.

Capt. Zeigler.

Gov. Randolph to Pres. Franklin, 1788.

Richmond, May 22, 1788.

Sir,

The inclosed act of the executive will show your excellency, that we have put the preparation of the laws, requested in a letter from the vice president, in a fair train. I hope to be soon able to forward them to the supreme executive council.

Last night I received your favor concerning Joseph Elam. The testimony against him is so well authenticated, that not knowing how to question its truth,—I cannot account for his prudence of conduct and discourse, as far as I have witnessed them. It is not my wish to uphold any violations of the peace, or countenance any

infractions of religious order and decorum. I shall therefore state the matter to him, when he returns, according to my present view of it, and doubt not, that I shall prevent a repetition of his improper behaviour.

I have the honor sir,
to be with great respect,
your most obed. servt
EDM. RANDOLPH.*

Proceedings of Council of Virginia, 1788.

In Council, May 21, 1788.

The Governor laid before the board a letter† from the Vice President of the Supreme Executive Council of the State of Pennsylvania requesting the laws of Virginia, "respecting adjusting of titles to "unpatented land in the counties of Yohogania, Monongalia and "Ohio, together with such other laws of Virginia as were enacted "previous to the final ratification of the compact between the States "of Virginia and Pennsylvania, and the act of the convention of "1776, in which the lands and territories, included within the char-"tered bounds of North Carolina and Pennsylvania, were ceded to "the people of the said states respectively."

Whereupon it is advised, that the Attorney General be requested to furnish the board with a list of the acts described as aforesaid.

That the Clerk of the house of delegates cause copies of the said acts to be taken and transmitted to the board duly authenticated:

That as soon as the said acts shall be received, they be forwarded to the supreme executive council of Pennsylvania in full form:

That the said supreme executive council be in the mean time informed, that the instructions aforesaid have been given, that it is notwithstanding probable, that questions may arise, connected with laws, which do not seem at present to be comprehended in their request, and which cannot be pointed out by the officers of this state, without some knowledge of the litigated cases; that it is therefore hoped in behalf of those who claim under Virginia, that as the Executive thereof will be always ready to supply any copies of public acts, which the supreme executive council may desire, they will be notified from time to time, (if no rule of proceeding be thereby violated) of the necessity of such acts being produced before the board of property: and,

That no such county as the county of Yohogania now exists; that part of it, which was left within the limits of this Commonwealth

* See Col. Rec., Vol. XV., p. 465. See page 284.

after the extension of the western boundary between Pennsylvania and Virginia, having been by law added to the County of Ohio.

All which the Governor orders accordingly,

Extract from the Minutes,

SAM. COLEMAN, A. C. C.*

Report to, and Resolution of, Congress, 1788.

United States in Congress assembled.

May 22 1788.

The committee consisting of Mr. Dane, Mr. Williamson, Mr. Irvine, Mr. Hamilton and Mr. Brown, to whom was referred a Motion of Mr. Dane, relative to public and unsettled Accounts, having reported,

That, on carefully examining the subject referred to them, they find that during the late war, and especially in the early periods of it, many millions of dollars were advanced by the United States to sundry persons, of the expenditures whereof proper accounts have not been rendered: and though the persons who have been entrusted with public monies have been frequently called upon to settle their accounts by the acts and officers of Congress, yet in many cases they have not produced or exhibited to the proper officers any documents or vouchers on which regular settlements can be made.—That several accounts of very considerable extent have been taken up, and so far passed on, that balances appear to be stated generally, and in some cases payment made, though it does not appear that the proper statements were made of the articles which composed those accounts, or that the regular vouchers were produced to support the charges in them. Accounts thus imperfectly stated and unsupported, the Committee conceive are justly liable to revision; and particularly so, as it does not appear that the parties have at any time considered them as being finally settled.—That from a general view of this subject, the Committee are induced to think and believe, that the United States have already suffered very great inconveniencies by inexcusable negligence and unauthorised delays, in persons entrusted with public monies, in not rendering and settling their accounts; and that it is become highly expedient that decisive measures be speedily adopted for closing all the unsettled accounts of the late war—and therefore the Committee are of opinion, That the Board of Treasury be directed, to cause suits to be commenced, in behalf of the United States, against all persons who stand charged with public monies or other property; and that they cause the same to be commenced within three months from this date, against all those persons

* See Col. Rec., Vol. XV., p. 465.

who have been already specially required to settle their accounts by the proper officers, and who shall not within that time adopt and pursue measures effectual, in the opinion of the said Board, for settling the same; and within five months from this date, against all other persons so charged, and who shall not within that time adopt and pursue like measures; and, that when any material questions shall arise concerning any doubtful or partial settlements of accounts which may have been made, or concerning the operation of any particular suits, the said Board be directed to state to Congress, particularly the circumstances of the case, with their opinion thereon.

Resolved, That Congress agree to the said Report.

CHAS. THOMSON, Sec'y.

Secretary of Congress to Pres. Franklin, 1788.

(Circular.)

Office of Secretary of Congress,

May 26th, 1788.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed, an act of the United States in Congress Assembled, pass'd the 22nd,—By this and their act of the 8th, which I had the honor of transmitting with my Letter of the 12th, it is hoped the Accounts between the United States and Individual persons will speedily be brought to a close.

With great Respect,

I have the honor to be

your Excellency's Most

Obedient & most hum Serv't,

CHAS. THOMSON.

Directed,

To His Excellency The President of the Commonwealth of Pensylvania.

Secretary of Foreign Affairs, 1788.

(Circular.)

Office for foreign Affairs, 26th May, 1788.

Sir,

Mr. Dumas, agreeable to the Request of the Envoy extraordinary of his Swedish Majesty at the Hague, has transmitted to me a Note

he received from that Minister, which I have now the Honor of communicating to your Excellency, in order that such Measures may be taken on the subject as Circumstances and the Laws of Nations may dictate.

With great respect and Consideration,

I have the Honor to be, your Excellency's

Most obedient and humble Servant,

JOHN JAY.*

Directed,

To His Excellency Doct'r Benjamin Franklin, President of the Commonwealth of Pennsylvania.

NOTE.

The Sieur Adolph Roxendorff, Major in the King's Service, has informed the Royal College of Commerce, that Captain Adolph Frederick Dahlberg, commanding the merchant Ship, (formerly a corvette) called the Marie Elizabeth, belonging to the said Major, took in a Cargo at Pilan in the Summer of 1785, for Gottenburg: That the said Major, having received no advice of the Fate of his Ship since that Time, nor of the Crew, concluded they were lost and foundered at sea, until, by chance, Information from several Norwegian Sailors arrived at Carlscrone from Copenhagen, who assured him that they had met with the said Dahlberg, & his Ship, in a Port of the Danish Colonies, in the West Indies. On which the Major, having obliged the sailors to verify their Information before a Magistrate, they declared under oath, that at Copenhagen they met with several Norwegian Sailors, who told them that in a Danish Settlement in the West Indies they had conversed with some Swedish sailors, who said they were originally from Gottenburg:—That the Captain of their Ship was called Adolph Frederick Dahlberg, a native of Calmar in Sweden, of middle size, and a dark ill looking countenance, brown Hair cut round his Head, that the Vessel he had was painted black from the Wales to the Deck, and must have been formerly, from her Construction, a Sloop of War. Roxendorff concludes from this Deposition, and the Conformity of Features, that the said described Dahlberg is no other than the master of his Vessel, who was sailing the seas in a fraudulent Manner, and had run away with his Ship. Therefore at his Solicitation, the undersigned is requested by the commercial College to communicate the aforesaid Particulars to Mr. Dumas, Chargé des Affaires, from the United States of America, to the States general, and to desire him to take such measures in regard to his respective Superiors, as he may think

* See Col. Rec., Vol. XV., p. 463.

the most proper, to procure the Arrest of the said Dahlberg & his Vessel, should he enter any of the American Ports within the Dominions of the United States, the Sequestration of his Effects, & the Conveyance of his Person & Ship to the custody of the Swedish Government in the Island of St. Bartholemew, which the undersigned now does by this Present, promising a perfect Reciprocity whenever a similar case shall happen.

Dahlberg is a native of Calmar, in Sweden, rather short than tall, of a dark brown complexion, his Hair brown approaching to black, his Eyes deep set in his Head, being moreover, heavy and fat. The Ship built partly of Oak, and partly of Pine, carrying about 22 Lasts, & was formerly built to serve as a Sloop of War. She was painted black when she sailed from Calmar, & has the Image of a young Lady for her head, & is called the Marie Elizabeth.

Signed, SCHULTZ VON ASCHERADEN.

Envoy Extraordinary from his Majesty the King of Sweden.

Timothy Pickering to Judges of the Supreme Court, 1788.

Wilkesborough, May 26th, 1788.

Gentlemen,

I was lately honoured with your letter of the 10th instant, and agreeably to your request have taken a recognizance of ten freeholders to the amount of two thousand pounds, for the appearance of John Franklin at the next court of Oyer and Terminer to be held in this county, to take his trial for high treason, & his keeping the peace & being of the good behaviour in the mean time. The sureties acknowledged themselves indebted each in a certain sum, being, as I judged, owners of lands of those respectives values; and it did not occur to me till now that it might be your intention that they should be jointly bound for the entire sum of £2000. But I was led to take the recognizance in that form from the usual practice of binding two sureties each in half the sum required of the principal. I trust however it will answer the purpose for which it was designed.

I am, Gentlemen,

very respectfully

your obed't servant,

TIMOTHY PICKERING.*

Directed,

The Honourable Thomas McKean, Esquire, & Jacob Rush, Esquire, Philadelphia.

* See Col. Rec., Vol. XV., p. 465.

Sir,

I received information last evening by Capt'n Hartsoff that one of Franklin's best friends told a person in Wilkesbor'g that all that party wanted was to Git Franklin out of Confinement and if as much again bail had been required they would have Given it but as soon as Franklin was at liberty; Bail Law and all should go together for they did not regard those bonds Given. I shall be at Wilkesburgh to-morrow. I think enquiry ought to be made before somebody goes to Philadelphia.

I am, Sir, yours,

LAW. MYERS.

May 27th, 1788.

Directed,

Col. Pickering.

Timothy Pickering to V. P. Muhlenberg, 1788.

Wilkesborough, May 27, 1788.

Dear Sir,

The inclosed letters to the Chief Justice & Mr. Burd I should have transmitted directly to them had I not just been informed that the Supreme Court were sitting now at Carlisle, & both those gentlemen might be absent. The letter to the Chief Justice is in answer to one rec'd from him & Mr. Rush, desiring me to take a recognizance of so many freeholders here as were worth £2000.—The letter to Mr. Burd incloses the recognizance I have taken. Should those gentlemen be absent, you will take what order is necessary in the matter.

The half Sharemen are taking possession of the lands assigned them by Franklin, particularly at Tioga. John Swift, Elisha Satterly, Wm. Slocum & Matthewson (all I believe late officers of Franklin,) are among them. These four persons (I am just informed,) have taken possession of the lands they claim there, turning off by force the former occupants. Whether the latter had any *right* to their possessions I know not: but *Force* is the mode generally adopted in that part of the county to gain possession of lands; and this morning John Jenkins (usually called Major Jenkins, & Franklin's compeer,) avowed to me explicitly that there was no other mode by which any man in the county claiming land under the Susquehannah Company could get possession of them. "There is, said he, no law in this county for trying the titles of land: For the only rules by which they should be tried are the regulations of the Susquehanna Company; and those regulations are not, nor can be admitted to govern the courts of law in their decisions, until declared to be laws by an act of the General Assembly." I answered,

That such of those regulations as were made prior to the decree of Trenton, would govern the courts of law in all disputes about the titles of land among the *Connecticut Claimants*, and that a positive declaratory act was not necessary for that purpose. But he persisted in his former assertion. Then (said I) your meaning is, that there being no law as you say, to try the title of your lands, when any one claims a particular tract, he is to take possession by force? "It is," said he.

I will make no comments on these transactions and opinions.

I beg the favour of you to deliver the inclosed letter to Mr. Hodgdon as speedily as may be, and remain,

with respect & affection

your most h'ble servant,

TIMOTHY PICKERING.

Directed,

The Hon'ble Peter Muhlenberg, Esq.

JOHN P. SCHOTT TO V. P. MUHLENBERG, 1788.

Wilksbarre, May 29th, 1788.

Sir,

I have undertaken to raise a Troop of Light Dragoons* and have got forty-two the very best young gentlemen in this county and true suporters of the Law, I had 37 of them together last Monday the 26 Inst., and proper Inspectors appointed to Elect their officers where they chose your Humble Servant for their Commander, Lord Butler for first Leu't, Roswell Wells for second Leu't and Ebenezer Bowman for Cornet, the whole troop is to equip themselves. I have the Honour to send you a Copy of their Ingadgement and the return of the Election. I hope the Honorable Counsel will send us the Commissions as your Honours will find this Troop very servisable in this County, there is no news here at present only there is more than one thousand people gone throw this settlement to Niagara within two weeks.

I have the Honour to

subscribe my self, Sir,

your Most obe't

and Most Humble Servant,

JOHN P. SCHOTT.

Directed,

General Muhlenberg, Vice President of the Supreme Executive Council of the Commonwealth of Pennsylvania, Philadelphia.

* See page 299.

John P. Schott to V. P. Muhlenberg, 1788.

Wilksbarre, May 30th, 1788.

Sir,

I just remember a thing I for got in my letter from yesterday. I should wish you would send me about six of those Bills ordered to be printed for consideration in regard to the seventeen Townships, which should be confirmed to us, as I find some of the unruly People doubt it; the Bearer is a save hand to bring them and the Commissions too, if Counsel should see fit, which will give great Satisfaction to to your Humble Servt,

JOHN P. SCHOTT.

Directed,

The Honorable Vice Presedent of the Commonwelth of Pennsylvania, Philadelphia.

State of the Representation in Congress for March, 1788.

7 States—9 days,	3 States 9 days,
5 do —8 do,	2 do 10 do.

Pennsylvania—throughout the month by four members, viz.: Irvine, Armstrong, Reid and Bingham.

James Finley to Pres. Franklin, 1788.

Honoured Sir:

Notwithstanding A Grateful Sence of the Honour done me in being nominated by the Neighbourhood, and Authorised by the President and Supreme Executive Council, to the office of Justice of the Peace, and also of the Common pleas; but not finding that Satisfaction of mind in the Execution that I had figured to myself, but the reverse, on account whereof I have declined acting for some months past, I think it necessary to trouble your Excellency and Council with A minute detail of my reasons for this step I have taken; yet, I would observe, that, in the Execution of that Office, the Wicked and the Wretched are those with whom we chiefly have to do, which affords mortifying views of Human nature. It is certainly A Great unhapiness that the best provided Remedy, in its operation, too often savours of an evil; and now, Sir, as I can have no pleasure in being the Minister of Misery to any, especially seeing that that is the certain thing I could promise myself by continueing in Office; therefore, after long and mature deliberation, I now lay

before you this my resignation, not doubting your acceptance, which will be esteemed A favour by your Excellency and Council's Most obedient and very Humble Servant,

JAMES FINLEY.

May 26, 1780.

To his Excellency Benjamin Franklin, President, and Supreme Executive Council.

Officers in Company of Light Dragoons in Luzerne County, 1788.

Luzerne County, May 26th, 1788.

These are to Certifye that the Persons forming a Company of Light Dragoons in this County have Chosen us, the Subscribers, to Inspect the Election of Officers to Command them; thirty-seven of the Electors being present, they proceeded to Vote as follows:

John Paul Schott, Esq., Capt.,	36,
Roswell Wells, 2d Lieutent,	23,
Ebenezer Bowman, Cornet,	27,
Lord Butler, 1st Lieutnt,	30.

We further Certifye, that the above is a true return without fraud or Collusion.

SAMl ALLIN,
ELISHA BLACKMAN, } Inspectors.

Indorsed,

Read June 5, 1788.

Military Company in Luzerne Co., 1788.

Wilksbarre, in Luzerne County, May 5th, 1788.

We, the Subscribers, Voluntarily Engage to serve in the Troops of Light Dragoons* which is to be raised by Captn John P. Schott, in the County of Luzerne aforesaid, and Promise to Obey all Lawful Orders which we shall from time to time receive from the Supreme Executive Council or our Superior Officers. In Witness whereof we have hereunto set our hands.

John Paul Schott,	William Hydi,
Moses Sill,	Eleazer Blackman,
Isaac D. Tripp,	William Smith,
Benjamin Dorrance,	William Jackson,

* See page 297.

Joshua Pathrirk,
John Gove,
Rosewell Wells,
Willi Gallup,
Peter Geer,
Jabez Sill,
Lord Butler,
Silas Jackson,
Hallet Gallup,
Ebenezer Slocum,
Eleazer Bowman,
John Downing,
Christian Ochmig,
Naphtaly Hurlbut,
Lemuel Gaylord,
Isaac Williams,
Ichabod Blackman
John Stapel,
Henry Stark,
Jabez Fish,
James Stewart,
Jehoida P. Johnson,
Jonathan Stevens,
Assa Stevens,
Ben. Brown,
Moses Atherton.
Benedict Satterle,
Ira Manvile,
Ely Manvill,
John Yutte,
Nathaniel Walker,
Adm. Diller,
Sim. Chatduck.

Sec'y of War to Capt. David Zeigler, 1788.

War Office, June 3, 1788.

Sir,

Your letters of the 28th and 30th ultimo have been received.

I am exceedingly desirous that your complement of men should be recruited as soon as possible, and therefore I am sorry that your prospects are less flattering than when you first commenced the recruiting service.

Company books of the large kind are forwarded by Captain Bradford for the whole regiment; any temporary arrangement therefore will answer your purpose until your arrival on the frontiers.

When you march, an arrangement must be made for the accommodation of some stores for Brigadier General Harmar. It is not, however, probable that he can possibly require a whole waggon for his own use.

As to any of your soldiers selling their arrearages of pay, I cannot countenance the measure. The men ought to be checked in any such improper desires. They have lately received three months pay; and they will from time to time receive their arrearages. They are supplied with rations and clothing, and they ought not to be suffered to sell their arrearages for less than its proper value, especially as all necessaries are furnished them. They will receive

another months pay previous to their departure. I presume that these reasons will have equal influence on your conduct as an officer whose reputation is deservedly established.

I am, Sir,
your humble Servt.,

J. KNOX.

Directed,
Captain David Zeigler.

CAPT. D. ZEIGLER TO SECRETARY BIDDLE, 1788.

Sir,

The Frequent application which are made for some of my manns, (for small trifle,) make me to take the Liberty of addressing myself to your goodness, if men for a small sum can be taken from me, what will become with the Recruiting Service.

The many favors received from you, make me the Bolder, with the humbly wish, your honble Body to some assistence respecting it.

Suffer me to recommend me to your good wishes, remain with much Esteem

Sir, your most
hble. & obd. Servant,

DAVID ZEIGLER.

Philadelphia, June 5th, '88.

Directed,
Charles Biddle, Esquire, Philadelphia.

Return of Officers Elected and Nominated Agreeable to the Militia Law of this State.

A Return of Officers duly Elected and Nominated, agreeable to the Militia Law of this State.

Names.	Rank.	Battalion.	Company.	When Elected.	When Nominated.
Jacob Schlosser,	2d Lieut.	Artillery,	Seventh,		August 21st, 1787.
Robert Heysham,	Captain,	Third,	Infantry	April 15th, 1788.	
Michael Kitts,	1st Lieut't,	ditto.	ditto.	ditto.	
John Myers,	2d Lieut't,	ditto.	ditto.	ditto.	
Henry Kammerer,	Captain,	ditto.	Fourth,	ditto.	
Casper Wall,	Lieutenant,	ditto.	ditto.	ditto.	
Emanuel Singer,	Ensign,	ditto.	ditto.	ditto.	
David Rose, Jun'r.	Captain,	Fifth,	Infantry,	April 17th.	
Isaac White,	1st Lieut't,	ditto.	ditto.	ditto.	
Joseph Crawford,	2d Lieut't,	ditto.	ditto.	ditto.	
Samuel Allin,	Lieutenant,	First,	First,		April 19th, 1788.
Abraham G. Claypoole,	Captain,	ditto.	Infantry,	April 21st.	
Matthew Watson,	1st Lieut't,	ditto.	ditto.	ditto.	
David Pinkerton,	2d Lieut't,	ditto.	ditto.	ditto.	
James Rees,	2d Lieut't,	Second,	ditto.	April 22d.	
Joseph Sims,	Captain,	First,	Seventh,		April 23rd.
William Sproat,	Captain,	Fourth,	Infantry,	April 24th.	
Jacob Bunner,	1st Lieutenant,	ditto.	ditto.	ditto.	
John Miller,	2d Lieutenant,	ditto.	ditto.	ditto.	
William Robinson, Jr.,	Captain,	Sixth,	ditto.	April 25th.	
Philip Peltz,	1st Lieutenant,	ditto.	ditto.	ditto.	

Joseph Huddle, Ju'r.,	2d Lieutenant,	ditto.	ditto.	ditto.	
Christian Lawrence,	Ensign,	Third,	Second,	April 26th,	
Joseph McGuffin,	Captain,	Sixth,	Fifth,		April 30th.
Daniel Smith,	Captain,	First,	Second,		ditto.
Joseph Dugan,	Lieutenant,	ditto.	ditto.		ditto.
James Simmons,	Captain,	Fourth,	Sixth,		May 3d.
William Pollard,	Lieutenant,	ditto.	ditto.		ditto.
Daniel Vanderslice,	Lieutenant,	ditto.	Seventh,		May 5th.
Philip Limeburner,	Ensign,	ditto.	ditto.		ditto.
Eleazer Oswald,	Major,	Second,		May 5th,	
John Swanwick,	Lieutenant,	First,	Seventh,		May 23d.
William Bingham,	Captain,		Troop,	May 24th,	
William Jackson,	1st Lieutenant,		ditto.	ditto.	
James Campbell,	2d Lieutenant,		ditto.	ditto.	
Jacob Cox,	Cornet,		ditto.	ditto.	
James Rees,	Captain,	Second,	Light Infantry,	May 29,	
John McCree,	1st Lieutenant,	ditto.	ditto.	ditto.	

City Philadelphia, Lieutenant's Office, June 1st, 1788.

WM. HENRY, Lt.

Directed,
The Honorable Supreme Executive Council, of the State of Pennsylvania.

V. P. Muhlenberg to Comm'rs to Luzerne, 1788.

In Council,

Philad'a, June , 1788.

Gentlemen,

The General Assembly by their resolution of the 27th of March last, having directed the S. E. Council in the following words to wit:

And Council considering it their duty to carry into effect the measures contained in the said resolution by the appointment of two discreet persons, whose business it sh^d^ be to view the lands comprehended therein, and make a true report. They hereby commission you for those purposes; requesting you wou'd proceed without delay to the County of Luzern and consult Mess^rs^ Montgomery & Gray deputy Surveyors of that Country, who are instructed to assist you with all draughts of surveys and any useful information or advice in their power. Col. Pickering also, the Clerk of the Court of Sessions. will furnish you with descriptions of the townships comprehended in the resolution of the House of Assembly. In full expectation that you will compass the business with all necessary care and dispatch, so as that the Board may be enabled, by your report principally, to comply with the intention of the Legislature. I heartily wish you health and success, &c.

I am, Gentlemen,
with great Respect,
your most obedient &
very humble Servant,
PETER MUHLENBERG.*

Indorsed,—To Stephen Ballict & Major Armstrong.

Sec'y Biddle to Col. John Craig, 1788.

Secretary's Office,

Philadelphia, June 5th, 1788.

Sir,

Council have before them a petition from John Youngman† of Bethlehem, praying to be discharged from payment of some Militia substitute fines with which he stands charged; and the Board upon consideration of the circumstances of the petitioner as stated, seem disposed to grant the prayer of his petition if you have no objections to offer to induce them to act otherwise. You will therefore

* See Col. Rec., Vol. XV., pp. 472. 528. † See page 288.

be pleased to write to Council upon this business, and in the mean time it is their wish that you would suspend any proceedings against him.

I am, Sir, with respect,
Your obedient and
very humble Servant,
JAMES TRIMBLE, for
CHARLES BIDDLE,
Secretary.

Directed,
Col. John Craig, Lieutenant of Northampton Co'y.

MESSRS. SMITH & HENDERSON TO PRES. FRANKLIN, 1878.

Huntington, June 5th, 1788.

Sir,

The unhappy Disturbances, which for some Time past have subsisted in this County, have of late risen to such an alarming Height, that, disagreeable as the Task is to men of Feeling, we conceive ourselves under the necessity, from the Duty we owe the Public, as Conservators of the Peace, of laying a true State of Facts before your Excellency and the Honorable Supreme Executive Council.

The first Day of March Sessions now past, a number of Men armed with Bludgeons came riotously into the Town, and brought with them an Effigy which they called and intended for Col. Canan, a Member of your Honourable Board. The Court was sitting, Messrs Philips and Henderson, two of the bench went to the upper End of the town, met them, and pointed out the evil Consequences of such outrageous Proceedings. They however proceeded, and marched down the Allegany Street, with their Image, shouting repeatedly, untill they came to the House in which the Court sat. There they made such a noise as rendered it impossible to proceed with Business. After several warnings to desist, or go to some other Place, the Sheriff was ordered to take and commit one who appeared the most clamorous.—He was rescued by others. A Riot ensued for some time—But no Injury was received.—A Bill of Indictment for Rescue and Riot was found against the Principals, but could not then be tried.

In pursuance of Notices, for that Purpose given by the County Lieutenant; Colonel Canan's Batallion of Militia assembled in a Field in Hart's Log Settlement—After falling into the Ranks, an objection was made to mustering under Col. Canan and Major Spencer who have been in Commission above two years.—It was

now alledged that Col. Woods, now a Member of your Honorable Board, then Lieutenant of Bedford County, in which the said Batallion was at that time, had held an unfair Election, and procured such men to be returned as pleased himself.—The Lieutenant was violently assaulted and received severe Blows from several People as did a Gentlemen who interfered with a Desire to protect him and to preserve order. This matter however soon was at an End.—A person assuming command, or being previously appointed for that Purpose, ordered that "Those who had any Objections to serve under the present Field Officers should draw off by themselves."—Above one third of the Batallion marched from the Ranks and drew up in Front of the Remainder. It must however be observed that several of Those deluded People were totally ignorant of what they were about; and some others accompanied them thro' Fear. The Lieutenant and Field Officers, finding that no Muster Roll could be called, and that their further Stay was unnecessary, attended by the greatest Number of the *well inclined* quitted the field and retired to their Homes.—Application was made some Days after to Mr. Smith to issue warrants against three of the principal Rioters. They were served soon after. They submitted to the Constable and went with him before Thomas McCune, Esquire, one of the Justices of this County. He took no further Cognizance of the matter than entering Bail to the Constable for their Appearance before Mr. Smith in five Days—During this time, they, by amasing Diligence collected a large Body of Men. On the day appointed the Prisoners were brought before Mr. Smith by the Constable. His Office was instantly filled. They refused to give Security—nay pressed to be commited, and threatened him should he refuse.—Aware of their Designs, having no proper and sufficient Prison as yet erected, knowing the Strength which was soon to follow them, and unwilling to give a Pretence for their committing those Outrages to which they seemed but too much inclined, He thought himself justifiable in refusing their Request—He informed them of the uncomfortable Situation of the Goal, which, which is but a *Block House*; that as two of them were Men of Landed Property, and the Court was to meet in eight Days, He could trust to themselves. More especially as Mr. McCune had already bailed them from the Constable.—Finding him determined not to commit them, one, whom he since discovered to have a large Cutlass concealed under his Coat, insulted him grosly and threatened him violently.—It was impossible to do any thing in this Situatien—They left the Office. About one o'clock above ninety Men came into the Town, near Sixty of them with Rifles and Muskets—the Remainder with Clubs, Scalping Knifes and Tomahawks concealed under their Coats—They marched down the Main or Alleghany Street to the Lower End of the Town, then up St. Clair Street to Hill Street, up that Street to the Middle of the Town—and formed in a Circle on the Diamond or Court House Square—Mr. Smith was then called into the Centre and commanded to tear

the Warrants which had been returned to him—This he refused to do—But, as they were in his Pocket, not having had time to dispose of them otherwise, he delivered them to one of the Leaders—A man, who had previously presented a Rifle three times to his breast, but was prevented by some others from perpetrating his wicked Designs came from the Ranks and tore the Warrants, throwing some Parts of them at him and saying "See now what it is to be Magistrate."—The Clerk was now ordered to bring the Indictment which at the last Sessions was found against some Rioters—He did—it was destroyed. Mr. Smith left the Field and met Mr. Henderson who had just returned from a Visit—They went together into the House in which the Court is held—A number of armed men came and ordered the Clerk to bring the Sessions Docket—They obliterated the obnoxious Parts.—Soon after Messrs Smith and Henderson having received Intelligence that some Mischief was intended them, agreed to separate—Mr. Hendersons Horse being privately brought by a friend he rode down the river—Mr. Smith retired to a House occupied by a family who had lately come to the Place, where it was not suspected he had an Acquaintance. Several Houses were searched for them, their own repeatedly.—The Sheriff and his Friend Mr. McMutrie who had assisted him on the Field at the Review, had left Home the Day before, or Death or something worse would have been the Consequence to them. Two Constables were obliged to leave their Homes and hide to save their Lives.—After marching thro' the Streets, firing in the Air, and thro' Signs they marched out of the Town.

Thus ended this unhappy Affair—However Threats are repeatedly sent intimating an other Visit. The Sheriff dare not go into the Country to serve any writs, and all kinds of Business seems at a stand.

We have now stated to your Excellency the Particulars of our present alarming Situation—Without the Interposition of Government we cannot preserve order—Whatever Order your Honorable Board may think proper to take. We shall have the Satisfaction of accquitting our Consciences and having as far as in our Power discharged our Duty.

We have the Honor to be with the
greatest Respect your Excellency's
most obedient Servants
THOMAS DUNCAN SMITH.
AND'W. HENDERSON.*

Directed,—His Excellency the President of the Supreme Executive Council of the Commonwealth of Pensylvania.

Indorsed,—Read June 25th. Judges consulted. See the minutes of June 25th.

* See Col. Rec. Vol. XV., p. 479.

Delegates in Congress to Pres. Franklin—Erie, 1788.

Sir,

We have the Honor to inclose you the Report of a Committee of Congress, respecting a Survey to fix the Boundaries, and determine the Quantity of the Territory adjoining the State of Pennsylvania, belonging to the United States, as well as the Terms on which the Board of Treasury is authorized to dispose of the same.

We shall wait for the Instructions of the Hon'ble the Supreme Executive Council, whether to make an Offer for the indefinite Quantity that may be contained within the Boundaries of the said Tract, or suspend the Negotiation, untill the Amount is precisely ascertained by Survey.

We would recommend the former Mode, as most conducive to the Interests of the State of Pennsylvania, & most effectually guarding against the Cupidity of private Speculators.

We have the Honor to be with
Respect Sir
your Excellency's most
obed't & very h'ble Servants

WM. BINGHAM.
JAMES R. REID.*

Proceedings in Congress—Erie, 1788.

By The United States in Congress assembled June 6th 1788.

On the Report of a Committee to whom was referred the motion of Mr. Irwin.†

Resolved, That the Geographer of the United States be & he is hereby directed to ascertain by himself or by a Deputy duly appointed for the purpose, the boundary Line between the United States & the States of New York & Massachusets agreeably to the Deeds of Cession of the said States.

That the said Geographer inform the Executives of the States of New York & Massachusets of the Time of running the said Line, in order that they or either of them may if they think proper have Persons attending at the Time.

That the said Geographer or his Deputy having run the Meridian between Lake Erie & the State of Pennsylvania, & marked & noted down in his field Book proper Land Marks for the perpetuating the same, shall proceed to make a Survey of the Land lying West

* See Col. Rec., Vol. XV., pp. 472. 473.
† See page 247.

of the said Line between Lake Erie & the State of Pennsylvania, so as to ascertain the Quantity thereof, & make return of Such survey to the Board of Treasury who are hereby authorized & impowered at any time before or after such Survey to sell the said Tract in whole at private Sale for a Price not less than three fourths of a Dollar Per Acre in Specie, or Public Securities drawing Interest.

Copy.

CHARLES THOMSON, Sec'y.

Extract from the Deed of Cession made by the State of New York.

March 1st, 1781.

"Now therefore know ye, that we the said James Duane, William "Floyd, and Alexander McDougale by Virtue of the Power & "Authority & in the Execution of the Trust reposed in us as afore- "said have judged it Expedient to limit & restrict the Boundaries of "the said State in the Western parts thereof with respect to the "Jurisdiction, as well as the right or pre-emption of Soil, by the "Lines and in the form following, that is to say: a Line from the "North East Corner of the State of Pennsylvania, along the North "Bounds thereof, to its North West Corner continued, due West, "untill it shall be intersected by a Meridian Line, to be drawn "from the forty fifth degree of North Latitude, through the most "Westerly Bent or Inclination of Lake Ontario; thence by the said "Meridian Line to the forty fifth Degree of North Latitude; but if "on Experiment, the above described Meridian Line shall not com- "prehend twenty Miles, due West, from the most Westerly Bent or "Inclination of the River or Straight of Niagara, then we do by these "presents in the Name of the People & for & in behalf of the State "of New York & by Virtue of the Authority aforesaid, limit & re- "strict the Boundaries of the said State, in the Western parts there- "of, with respect to Jurisdiction, as well as the right of Pre-emption "of Soil, by the Lines & the manner following, that is to say; A "Line from the North East Corner of the State of Pennsylvania "along the North Bounds thereof to its North West Corner con- "tinued due West untill it shall be intersected by a Meridian Line "to be drawn from the forty fifth degree of North Latitude through "a Point twenty Miles due West from the most Westerly Bent or "Inclination of the River or Straight Niagara; thence by the said "Meridian Line to the forty fifth Degree of North Latitude, and thence by the said forty fifth Degree of North Latitude.

Extract from the Deed of Cession of the Commonwealth of Massachusetts, April 19th, 1785.

"Now therefore, know ye, that we the said Samuel Holten, & "Rufus King, by Virtue of the Power & Authority, to us committed, "by the said Acts of the General Court of Massachusetts, do by these "Presents assign, transfer, quit, claim, cede & convey to the United "States of America, for their Benefit, Massachusetts inclusive, all "right, Title & Estate of, & in as well the Soil as the Jurisdiction "which the said Commonwealth hath to the Territory or Tract of "Country within the Limits of the Massachusetts Charter, situate & "lying west of the following Line—that is to say, a Meridian Line "to be drawn from the forty fifth degree of North Latitude, through "the most westerly Bent or Inclination of Lake Ontario thence by "the said Meridian Line to the most southerly Side Line of the Ter-"ritory contained in the Massachusetts Charter; but if on Experi-"ment the above described Meridian Line shall not comprehend "twenty miles due West from the most westerly Bent or Inclination "of the River or Straight of Niagara, then we do by these Presents, "by Virtue of the power & Authority aforesaid, in the Name & on behalf of the said Commonwealth of Massachusetts transfer, quit, claim, cede & convey to the United States of America, for their Benefit, Massachusetts inclusive, all right, Title & Estate, of & in as well the Soil as the Jurisdiction, which the said Commonwealth hath to the Territory or Tract of Country within the Limits of the Massachusetts Charter, situate and lying West of the following line, That is to say, a Meridian Line to be drawn from the forty fifth Degree of North Latitude through a Point twenty Miles due West from the most Westerly Bent or Inclination of the River or Straight of Niagara, thence by the said Meridian Line to the most Southerly side line of the Territory contained in the Massachusetts Charter aforesaid for the Purposes in the said recited Acts declared & to the Uses in a Resolve of Congress of the tenth day of October one Thosand seven hundred and eighty.

Indorsed

June 6th, 1788. Proceedings of Congress for ascertaining the Boundary between the Lands of the U. S. and New York and Massachusetts.

Wm. Bradford, Jr., Atty. Gen., to V. P. Muhlenberg 1788.

Third Street, 6 June, 1788.

Sir,

I have examined the allegations & proofs laid before Council respecting the election of a Justice for the Oley district in Berks County. The only material fact that seems sufficiently establishe

by evidence is, that the votes of eight persons were refused, and if the Justices elect had a majority of nine votes, this circumstance cannot effect the state of the poll, nor invalidate the election, even if they were improperly rejected. But it does not appear in proof that all these eight persons were freeholders, or that they offered the judges of the election proper proof that there were so. In particular, it is not shown that John Hoof & John Romig, had freeholds or that they offered *any kind* of proof of their qualifications. The rest it appears produced deeds, but these were dated a few days before & had not been acknowledged or proved. *Such* deeds are not in themselves any evidence, their execution ought to be proved by those who were present at it, and as their late dates might naturally raise a suspicion that they were colorable, the judges might reasonably require better proof of the voters qualification. I am of opinion that the payment of taxes in the district is not necessary to enable the freeholder to vote, but it may be an additional proof of his freehold & that there is no collusive management, and where taxes have not been, nor his name entered in the Commissioners duplicates, the judges will be authorised to reject his vote, unless *strict & legal* proof of his living a freeholder is given. Such proof was not given, nor does it (except in one case) appear even yet, that the persons whose votes were rejected, were qualified to vote.

Therefore, understanding that the justice elect has a considerable majority of votes, I am of opinion that there is no sufficient proof exhibited to effect the validity of the said Election.

I have the honor to be, Sir, your
most obedt. & very humble servt.

Directed, W. BRADFORD, Jun.

Hon. P. Muhlenberg, Esq.

Secretary of Congress to Pres. Franklin, 1788.

(Circular.)

Office of Secretary of Congress,
June 7th, 1788.

Sir,

I have the honor of transmitting to your Excellency herewith enclosed to be laid before the legislature, a state of the representation in Congress for the month of May.

With the greatest respect,
I have the honor to be,
your Excellency's most obedient,
& most Humble Servant,

Directed, CHA. THOMSON.*

His Excellency The President of Pennsylvania.

* See Col. Rec., Vol. XV., p. 477.

Col. Timothy Pickering to V. P. Muhlenberg, 1788.

Wilkesboro, June 14, 1788.

Sir,

Just before I left Philadelphia in January last, a letter from Council dated the 31st of December, was put into my hands, desiring among other things, that I, in conjunction with the county lieutenant & others would make enquiry relative to the conduct of those elected militia officers whose commissions were withheld. The inquiry was for a good while omitted, but this Spring, the county Lieutenant, Col. Hollenback & myself, met together, and those persons attended. It did not appear that M Fitch Alden, & William Hyde, were concerned in the disorders consequent on Franklin's capture; particularly they were not in arms. Nesbitt owned he was in arms, and Prince Alden had early crossed the river, & was coming up the bank (alone I believe) with his musket, but was disarmed by Mr. Evans & Major McCormick, all of them, however, gave us positive assurances of their future good behaviour, and determination to support the laws of Pennsylvania. Upon the whole, it was our joint opinion that it would be expedient to commissionate them. Prince Alden has since moved up the river to Tioga, & a commission for him would be useless. Since the above mentioned examination, this battalion has had a field day. The officers elect appeared under arms as privates; and the whole battalion behaved very well.

By George Smithers I recd. a letter dated May 6th* from the Secretary of Council, mentioning That a petition had been presented to Council by Smithers, complaining of James Nisbett & Benjamin Carpenter Esqr., Justices of this county, and desiring me to enquire particulaaly into their proceedings in this matter which was the ground of Smither's complaint. I gave notice to those gentlemen, of this request of council. Mr. Carpenter, a worthy man & possessed of feeling was, as I expected, much hurt. I am entirely satisfied that he meant to act uprightly, but the prejudices against Pennsylvanians (or Pennamites) amongst whom Smithers is ranked, are so extreme, that men of the best intentions are thereby too apt to be warped in their judgements. The law is clear, that if Smithers had been in quiet possession for three years, the process for forcible entry & detainer could not apply; but because Smithers came into possession in the summer of 1784, when the New England people were violently driven from their possession here, it was concluded that he was of the party, & therefore that he got possession, not peaceably, but by force. Parks was the complainant against Smithers, and one of his witnesses deposed that he heard Smithers say that if any came to possess themselves of the land in dispute, he would defend the same by force & arms, they might depend the conse-

* See page, 281.

quence. When this threat was uttered is not mentioned in the Justices proceedings. The notes of Smither's counsel state this evidence differently—That Smither's said if Parks came, & *came without law*, to take possession, he would keep him off with force & arms. This threat however, as stated by the Justices, seems strongly to have influenced Mr. Carpenter, & he turned to the conductor Generalis, where 1 Hawkins 145, is quoted, in which an entry, or detainer is considered as forcible, if threats only of bodily harm are used. Major Myers was foreman of the Jury, and he thinks there was evidence to warrant their verdict. But people here have adopted the unwarrantable opinion, that Jurors may be determined by their private knowledge of facts never made known to the court & parties an opinion indeed, which once was conformable with the law. For further information on this subject, I beg leave to refer you to Mr. Bowman the Bearer of this letter, & who was counsel for Smither's. I will only remark, that without minutely enquiring into the proceedings, there was one irregularity which I presume is sufficient to set them aside, Esqr., Nesbitt was father-in-law to Parks the complainant. Of this impropriety Esqr. Carpenter was aware, and therefore when the pltfs. counsel demurred to the defts. plea, he urged that the plea should be withdrawn, that the *decision* might not rest with the *Justices*, but be made on the *merits* of the cause by the *Jury*. As I said before, I am persuaded that he acted with upright intentions, & I should be sorry to have him censured. Esq. Nesbitt who is old & very infirm, made a formal declaration of his resignation of his office of Justice of the Peace, immediately after the examination was over.

I am Sir,

very respectfully your most obedt. Servant,

T. PICKERING

Directed,

General Mulenberg, Vice president of Pennsylvania.

Resolution of Council.—Erie, 1788.

In Council,
Philadelphia, June 14th, 1788.

Council resumed the consideration of the Letter from the Delegates of this State, and the act of Congress inclosed therein, which were received on the twelfth Instant, respecting a survey to fix the Boundary and determine the Quantity of Land within the Territory adjoining the Northern Boundary of this State, belonging to the United States, and authorizing the Board of Treasury of The United States to sell the said Land in whole, at private sale, for a price not less than three-fourths of a dollar per acre, in Specie or public securities drawing interest.—Resolved; That the President inform

our Delegates in Congress, that they are authorized and empowered by this Board to negociate and Contract with Congress, in behalf of this State, for the purchase of the Lands before described at the rate of three quarters of a dollar per acre, in Specie or public securities bearing interest.

Extract from the Minutes,
JAMES TRIMBLE,
for CHARLES BIDDLE, Sec'y.*

SECRETARY OF CONGRESS TO PRES. FRANKLIN, 1788.

(Circular.)
Office of Secretary of Congress,
June 14th, 1788.

Sir,

I have the Honor to transmit to your Excellency herewith enclosed an act passed the 11th of this month by the United States in Congress assembled, directing the mode in which the states are to be Credited for sums paid, or which may hereafter be paid by them to Invalids, and limiting a time within which persons entitled to pensions as invalids by past Resolutions of Congress must make application and produce the Requisite Certificates and Evidence to entitle them thereto.

With great Respect,
I have the Honor to be
your Excellency's
most obedient and
most Humble serv't,
CHA. THOMSON.

Directed,

His Excellency, the President of the Commonwealth of Pennsylvania.

THOS. HUTCHINS TO CONGRESS, 1788.

(Copy.)
New York, 16th June, 1788.

Sir,

In obedience to the orders of Congress I am making every necessary preparation to execute their Resolution of the 6th† Instant, handed to me by the Secretary on the 13th.—This service suggests to me the propriety of an application to Lord Dorchester, Governor

* See Col. Rec., Vol. XV., p. 472, 473.
† See page 308.

of Canada agreeably to the enclosed letter; and an order of Congress authorising such application.

I shall make an estimate of the necessary expence of the service, and submit it to the Commissioners of the Treasury Board without delay, as some advance will be unavoidable.

I have the Honour to be

with the greatest Respect,

your Excellency's

Most obedient humble serv't,

(Signed,) THO. HUTCHINS.

Directed,

His Excellency, The President of Congress.

THOMAS HUTCHINS TO LORD DORCHESTER.—ERIE, 1788.

New York, 16th June, 1788.

My Lord,

The enclosed Resolutions of the United States in Congress, and the acts of the states of Massachusetts and New York to which they relate confer on me the Honour to transmit them to your Lordship, and to pray your Lordships permission to survey the most westerly Bent or inclination of lake Ontario, by myself or my Deputies, and to extend a Meridian line from thence south to lake Erie, and across the same to the South side thereof, for the purposes mentioned in the said Resolutions and acts.

As this service will require the Command of a vessel, her Crew and a small Company of land men, I beg leave to propose to bring them from the United States, or to engage British subjects within your Lordships Government, for the purpose, as most agreeable to your Lordship.

I have the honor to be,

With the greatest Respect,

My Lord, your Lordships,

Most obedient and

Most humble servant,

(Signed) THO. HUTCHINS.

Geographer of the United States of America.

Directed,

To the Right Honorable Lord Dorchester, Governor General and Commander in Chief, Quebec.

Justices of Franklin Co. to Pres. Franklin, 1788.

Franklin County, June the 20th, 1788.

We the subscribers, Justices of the peace of Franklin County beg leave to represent that in June Sessions last, a Bill of indictment was found against William Nugent, as Principal for Feloniously stealing, and taking away the property of James Moore; & against Patrick Jacks and James Young, as accessaries before the fact, that William Nugent has not yet been taken; and the two accessaries have refused to be tried until the principal is convict. That besides the above Crime, Nugent has been charged with many others, and the good people of this County are at present afraid of his enormities and depredations, they think is also highly proper that the accessaries should be brought to Justice, let their fate be what it may.

Therefore humbly recommend that your Honours would offer a reward for apprehending the said William Nugent.

And we are, with
due respect, your most
obedient humble Servants,

GEORGE MATHEWS,
RICH'D BARD,
THOS. JOHNSTON,
JNO. SCOTT,
JOHN MARTIN.*

Directed,

His Excellency, the President, & Supreme Executive Council of Penn[a].

Resolution of Congress, 1788.

By the United States in Congress Assembled.

June 24th, 1788.

On a Report of the Board of Treasury to whom was referred a Letter of Andrew Dunscomb, Esq., Commissioner of the State of Virginia for settling their accounts with the United States, addressed to His Excellency the Governor, of the said State, and dated on the 23d of May last.

Resolved, That the several States be allowed three months in addition to the time limited by the ordinance of the 7 May, 1787, for exhibiting to the said district Commissioners their respective accounts against the United States; and that three months be

* See Proclamation.—Col. Rec., XV. p. 487.

added to the twelve months mentioned in the said Ordinance for terminating the Commission of the said district Commissioners.

Resolved, That the several States be authorised to transmit to the accountant of the Treasury, the Commissioner of Army accounts, and to the General Board of Commissioners to be appointed in persuance of the ordinance of the 7 May, 1787, such additional vouchers or other Testimony as they may think necessary to support any claims by them exhibited to the respective officers aforesaid; provided the same be transmitted at least six months previous to the termination of the office of the General Board, as fixed by the Ordinance above mentioned.

CHA. THOMSON,
Sec'y.

Report on Letter of Comm'rs on Accounts Virginia, to Congress, 1788.

The Commissioners of the Board of Treasury to whom it was referred to report on a Letter of Andrew Dunscomb, Esquire, Commissioner of the State of Virginia for settling accounts with the United States addressed to His Excellency the Governor of the said State, and dated on the 23d of May last.

Beg leave to Report to Congress:

That the object of the said Letter is to show that the term limited by the ordinance of the seventh of May, 1787, for exhibiting the accounts of the several states against the United States is not in the case of Virginia sufficiently extensive to ensure Justice to the State or a compliance with the Views of Congress.

In the support of this opinion it is alledged by the Commissioners:—First.—That in ascertaining the Claims arising from Counties paid, and advances made for the recruiting service, the Commissioner of the district requires the following proofs, viz:

The receipt of the soldier for his Bounty, and That of an officer for the recruit or a Muster Roll proving his Enlistment.

That these Evidences cannot in any one instance be applied to the support of those claims; that is the whole of the above proofs and therefore that in his opinion, the State of Virginia will be exposed to a possible loss unless she has power to call the recruiting officers to account and the officer receiving such recruits for his proof of delivery.

On which the Board beg leave to observe:

That it does not appear by any documents whatsoever in this Office, that any such proofs as Mr. Dunscomb states have been required by the Commissioners of the district, whose sole duty in this

respect is to receive and forward to the Commissioners of Army Accounts, the accounts & vouchers falling under the above description and not to Judge of the Evidence adduced in support of such expenditures.

That on the contrary the only matter in difference betwixt the Commissioners on the part of the United States, and the State Commissioners appears to be the form of the descriptive acknowledgement to be given to the State for the papers above mentioned, previous to their being forwarded to the office of the Commissioner of Army accounts, this will appear by the Letters of the Commissioner of the United States marked A and B together with their enclosures No. 1 and 6 accompanying this report.

With respect to the power of the state to call for the proofs stated by the district commissioners the board presume no doubt can be entertained, neither can the term limited by the ordinance for exhibiting the above accounts, preclude the possibility of attaining the requisite evidence.—Because,

In the first place: Although a term is fixed for exhibiting the above accounts no period is determined only by the ordinance for the duration of the office of the commissioner of army accounts, whose duty it is to examine the same.

The presumption is that this office is intended to exist during the time fixed for the Commission of the General Board, which agreeably to the ordinance is extended to eighteen months from the period at which they enter on the duties of their office. In the examination of the accounts which are submitted to the cognisance of the commissioner of Army accounts, he will of course point out the requisite evidence to the several states, who will have sufficient time to adopt the necessary measures for procuring the same in all instances where it cannot be procured. And Because In those instances where it cannot be procured, the accounts, (although not passed by the Commissioner of Army accounts,) are still liable to be exhibited under the head of equitable claims to the General Board of Commissioners, who are authorized to admit in support thereof, such circumstantial proof as they shall Judge proper and to settle the same on equitable principles.

The second reason offered by the State Commissioner is That in ascertaining the pay and depreciation of pay of the State Quota of Continental troops; the Muster-rolls it is said are necessary to ascertain the time of service; and an account properly stated and attested with a Certificate of a field officer to that of each non-commissioned officer and private together with a receipt for the sum paid.

That almost in every instance the essential parts of this evidence is wanting; that no register of the certificates issued by the state for the above purpose can be procured; and that of course the whole of those claims will be affected to the great injury of the State, unless she has an opportunity of procuring testimony that

will prove her Right to credit for the above advances, and which cannot possibly be obtained in the limited time.

The third reason is, That in advances to the Militia, the proofs demanded are the authority of Congress for calling them out the evidence of an officer of the United States, that they were in actual service with attested Rolls, and receipts for payment.

That few of the Militia accounts of the State of Virginia have the sanction of the first of these proofs that many of them want the second and third and all of them the last; and further that there is no register on Entry of the amount Issued.

That these deficiencies will naturally produce a considerable Loss to the state, unless they have time to prove indubitably the second and third points which will aid the others.

To these reasons it will be observed by Congress that the remarks made by this board on the first article will equally apply; to which it may be added that if the deficiency of vouchers is such as the State Commissioner in certain instances sets forth, no extension of time will in all probability enable the state to supply such evidence as will authorize the same being admitted by any other authority than that of the General Board. It is, however, to be presumed that the State will be able to furnish a Register of the Certificates issued by the State for pay and depreciation of pay to their quota of the Continental Army, and for the pay of the Militia; for although in the original issue of such Certificates no Registers may have been established and preserved; an abstract of the same may in all probability be formed by examining the payments of Interest made on the same for some years past at the Treasury of the State.

The fourth reason assigned by the State Commissioner is, That in the delivery of supplies on the specific requisitions, the officers appointed to execute that business did not conform to the regulations prescribed by the resolve of the 25th of February, 1780, for that instead of giving an evidence of supply in an intelligible manner divination is often necessary to comprehend their intentions and therefore that unless time is allowed to prove the right of persons receiving such specific supplies of provisions from the United States, the one-half of the accounts under this head must be Lost.

On this objection the board beg leave to observe :—That although the time is limited for exhibiting the said accounts at the office of the Treasury, yet in such Instances when the vouchers offered in support thereof are not sufficient, the State will have an opportunity of corroborating their claims by such additional evidence as the accountant of the Treasury shall on an examination Judge necessary, & that in all events, (as in the case of every other claim,) the supplies not admitted at the Treasury for want of regular vouchers, may be exhibited to the General Board of Commissioners, and at their discretion allowed under the Head of equitable claims.

The last reason offered by the Commissioner is so expressed that

the board are not certain that they can form any definite idea of his meaning. It appears to be this, That in claims arising in the Staff or marine departments from the want of vouchers of receipt by or delivery to an officer of the United States, and proofs of the cost and payment of articles delivered, it will be impossible to support this class of accounts in the expected manner, that this failure in proof is imputable to the Loss of papers, and therefore that more time is necessary for explaining defective entries and vouchers and obtaining receipts for payment or such other evidence as the State Commissioner has or may apply for to prove the advance or service necessary.

For the examination of this class of accounts the Board observe that a further term of time may be perhaps necessary, because they fall properly under the cognizance of the district Commissioner whose decision on such as he may pass (so far as it respects the validity of evidence) is conclusive.

It appears however from the description of the State of said accounts and from a consideration of the number of years which has elapsed since a Commissioner on the part of the United States was appointed to examine the same that there is little or no probability that the greatest part of them can ever be past by the district Commissioners for want of the necessary vouchers in which case they must of course be brought under the head of equitable claims—to support which (as has been before observed) sufficient time is certainly allowed to the States. The Board beg leave therefore to suggest whether an early appointment of the General Commissioners will not be adviseable. Accounts from some of the States have already been transmitted to this office and that of the Commissioner of army accounts and more may be daily expected.

The Board have judged it necessary to be thus particular on the remark of the State Commissioner because he does not appear to have rightly understood the ordinance for settling the accounts of the United States with the several States perhaps it may be judged proper to extend generally for a few months the duration in office of the district Commissioners since in other States whose accounts are in all probability in a more regular form than those of Virginia the Commissioners will not within the term limitted be able to decide on all such claims as come under their immediate cognisance. This extension ought not however in the opinion of the Board to exceed a space of three months.

A speedy adjustment of all accounts betwixt the several States and the Union on equal and liberal principles is of the higheet moment to the peace and welfare of the Confederacy it is therefore to be regretted that any difference of sentiment should have taken place betwixt the Commissioners, as to the form of the descriptive acknowledgements to be given on the part of the United States for the accounts which are to be transmitted to the Treasury office and that of the Commissioner of army accounts.

The Board presume that it could never have been in the contemplation of Congress—that any more than a General descriptive acknowlegement of the receipt of such accounts should have been given because a minute description (such as is expected by the said Commissioner) would necessarily employ, the whole time of the district Commissioners and an unlimited number of Clerks to complete the same, Besides the same business must again be gone through by the officer who is authorized by the ordinance to examine and adjust the said accounts.

That this is the true meaning of the ordinance may be inferred not only from the reasons above stated but from the construction put on it by those States whose accounts have been forwarded to the Treasury and office of Commissioner of army accounts without insisting on any other than a General descriptive acknowledgement. It is therefore to be expected that the State of Virginia will on a mature consideration agree to the same more especially as they will observe in the remarks made in this report that the State will still have it in their power to supply evidence to such claims as may now be exhibited.

The reason which appears to be assigned for the minute description required by their Commissioner is an apprehension of the Loss of the whole or part of the accounts and vouchers delivered to be forwarded but if a receipt is given by the district Commissioners on abstracts specifying under a General Caption the several disbursements made by the state on account of the United States together with the date and amount of payment and the description or name of the Corps or party receiving the same such an acknowledgement must be surely considered as sufficiently descriptive, because the same description cannot apply to any other papers, and therefore if any Loss should happen to them (after they are thus receipted for by the Commissioner of the United States) they must it is presumed be considered as proper vouchers unless the Union should be able to shew the Contrary. This opinion is warranted by the conduct of Congress in their resolve of the third of June, 1784, relative to certain accounts of the State of Massachusetts some of the vouchers to which had been Lost after they were Lodged with an officer of the United States. . . .

On the whole the Board beg leave to suggest to the consideration of Congress whether as the ordinance of the 7th of May last (so far as it Respects the rights of the States to furnish additional evidence in support of their Claims after the same are transmitted to the office of the Treasury and that of the Commissioner of army accounts) does not appear to be well understood it would not be adviseable to pass some resolve expressive of the sence of Congress in this respect, and further to make it expressly the duty of the Commissioners to point out from time to time to the several States such addition vouchers or other Testimony as in their opinion may be requisite to support their just Claims against the Union.

If these measures are adopted and the authority and duties of the district Commissioners extended to nine instead of six months (for the reasons stated in this report) the United States in Congress will, in the opinion of this Board give an additional proof of their sincere and anxious desire to make a final adjustment of all accounts betwixt the several states and the Union on equal and liberal principles.

For this purpose the Board submit to the consideration of Congress the following Resolves, viz.

Resolved, That the authority and duties of the district Commissioners appointed in pursuance of the ordinance of Congress of the seventh of May, 1787, be continued for the space of nine months after they have severally entered on the duties of their Commission any thing in the aforesaid ordinance to the contrary notwithstanding.

Resolved, That the several States be authorized to transmit to the accountant of the Treasury the Commissioner of army accounts and the General Board of Commissioners (to be appointed in pursuance of the ordinance of the seventh of May, 1787,) such additional vouchers or other testimony as they may think necessary to support any Claims by them exhibited to the respective officers aforesaid, provided the same be transmitted within three month previous to the Termination of the office of the General Board of Commissioners as fixed by the ordinance above mentioned, and further that it be the duty of the respective officers to point out to the several States at any period within twelve months from the date of this act such additional vouchers or other Testimony as in the progress of examination shall appear necessary to support any just or equitable claims which the States may have respectively exhibited against the Union.

Resolved, As the sense of this Congress that the peace and welfare of the Confederacy are deeply interested in a speedy and final adjustment of all accounts betwixt the several States and the United States and therefore that it would not be adviseable to make any further continuation of the office of the district commissioners than what is prescribed by the foregoing Resolves. All which is humbly submitted.

(Signed,) SAMUEL OSGOOD,
WALTER LIVINGSTON,
ARTHUR LEE.

June 23rd, 1788.

Secretary of Congress to Pres. Franklin, 1788.

(Circular.)
Office of Secretary of Congress,
June 24th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed an act passed this day by the United States in Congress assembled granting farther time to the states for exhibiting to the district Commissioners their respective accounts against the United States, and for sending on the vouchers or other testimony to support the same.

with the greatest respect,
I have the honor to be
your Excellency's
most obedient &
most humble servant,
CHA. THOMSON.*

Directed,
His Excellency, The President of Pensylvania.

John Nicholson to Pres. Franklin, 1788.

Comptr. Genl's office, 26th June, 1788.

Sir,

An Ordinance was passed the 7th of May, 1787, for settling the accounts of this State with the United States. John White Esq'r, was appointed under this Ordinance to state & examine the accounts of Pennsylvania, Delaware & Maryland respectively against the Union, he entered on the business of his appointment in Maryland on the first of July following, and agreeable to the said Ordinance, gave notice to the Executive and proceeded on the business of his appointment with this State the first of August, 1787, by the aforesaid ordinance the states were restricted to six months for exhibiting all their claims to the said Commissioner as much as possible was done to prepare not only for exhibiting the Claims of this state, but for supporting and substantiating the same with proper vouchers, and the greatest assiduity and attention was paid to the business by Mr. White while here, and when he was obliged to leave the City to return to Delaware and Maryland on the other objects of his appointment, he left an assistant behind him constantly employed in the aforesaid business. When the first of Feb'y last was approaching I found the accounts could not possibly be all rendered

* See Col., Rec., XV., p. 480.

in form by the end of six months, and a day or two before that period in order to secure the State from disability to bring forward her charges against the Union, I took him to the different apartments of the office, and showing him the books, papers & Vouchers, made a general exhibition to him of all claims against the Union, specifying their nature in general terms, so as to cover all debts assumed to be paid, or for which this State is responsible, the residue of the time to the present period hath been occupied in arranging and stating the accounts, examining them & preparing for a surrender of the Vouchers, but the aforesaid ordinance limits Mr. White's appointment to twelve months, and altho' I had conceived we had yet till the first of August agreeable thereunto, Mr. White is of opinion that the twelve months terminate the first of July, which will be on Monday next, for by the words of the Ordinance it commences when he enters upon the duties of his appointment, and he conceives that to be when he began in Maryland about a month before he came to this place, this is however not very material, for one month more would be wholly insufficient to compleat the business.

I conceive the object Congress had in view was to expedite the settlement of the accounts of the several States, a most desirable object, and not to exclude any just claim if no unnecessary delay hath arisen in presenting it, and that if the time limited should be so short as to make it impracticable within it to get thro' the business in such States where the accounts are large, multiplied and voluminous they will prolong the time, and as this is the case with Penn'a, the different Boards, houses & public bodies of which have been more immediately concerned in carrying into execution the Resolves of Congress than in any other State, I conceive that Honorable body will upon representation readily agree to do that justice to this Commonwealth. This state hath to account for the expenditure & application of upwards of the value of two million dollars specie advanced her for the purposes of the United States from the Continental Treasury, while the other States upon an average have little more than one-fourth of that sum to account for, so that it must require more time, attention & application to settle the accounts of Penn'a than of any other State in the Union. Altho' I have used every effort to bring to a settlement and close all accounts where advances have been made by this State on account, to be disbursed for expences of a fœderal nature, they are not yet compleated, but there need not & will not be any delay caused on this head, whilst they are coming in; there is business sufficient ready to be proceeded with, the Continental table of depreciation is so constructed, as to make the reduction of a multitude of small and broken sums to specie value thereby a difficult and tedious task, and the calculation of the Interest upon these several sums from the date of payment up to a certain period will require not only time but great accuracy. The number of these calculations and sums are almost

infinite, and I should suppose with the greatest diligence they can not be got thro' in less than nine months more.

I have thought it would be advisable to make this representation, that your Honorable Board may if it should be deemed proper apply to the Congress for a prolongation of the appointment of Mr. White.

I have the Honor to be,

with very great respect

Sir, your most obed. servant,

JNO. NICHOLSON.

Directed,

His Excellency, The President in Council.

Lt. Col. Josiah Harmar to V. P. Muhlenberg, 1788.

Fort Harmar, June 30th, 1788.

Sir,

I had the honour to address Council on the 24th April* from Fort Pitt upon the subject of the Treasurer of Pennsylvania's three drafts on the County Treasurers of Westmoreland, Washington & Fayette, for monies for the recruiting service, & to inform your honorable body that there was a likelihood of obtaining nothing but the paper currency for them, & at the same time praying that some other arrangements might speedily be made in order to obtain specie, as paper would not answer the purpose.

Since which I have to acknowledge the receipt of two Letters from the hon'ble, the Vice President in Council, the one dated the 18th April, the other the 16th May last.†—The former enclosed our State Commissions—The latter, I observe, desires that the final determination on the rank of Ensigns Denny & Spear may remain suspended until I have an opportunity to lay the several pretensions before the Board.

Respecting the dispute of Rank between these Gentlemen, a Board of officers was convened a twelvemonth ago, in order to determine it, I did not chuse to give my opinion at that time concerning it, but referred the proceedings to the Secretary at War, who was pleased to decide in favor of Ensign Spear; upon this principle, that Ensign Denny could not by virtue of his one year's service (which was considered as militia Rank, from the Act of Congress of the 3d June, 1784) take rank of Ensign Spear, whose rank was derived from Continental service. In consequence of this decision of the Secretary at War, orders have long since been Issued by me at this post, announcing Ensign Spear as the Senior officer.

I have been informed that Captain Ziegler is contesting rank with Captain Ferguson. The same principle which decides the rank of

* Page 270. † Page 287.

Ensign Denny & Ensign Spear, I presume should operate in the case of Capt. Ferguson & Capt. Ziegler. The Quere is whether the one year's service was Militia or Continental rank? If Council should be of Opinion that the one year's service was Militia rank, Capt. Ferguson is undoubtedly Senior to Captain Ziegler.

As the right of finally judging upon this case rests with your hono'ble Body, I beg leave to offer the following observations.

Captain Ferguson is now absent at post Vincennes, and perhaps has not in Council one friend to advocate his cause. He is an officer of distinguished & superior abilities in the Artillery department. The consequence will be that if Captain Ziegler obtains Rank of him he will instantly resign, which will be a loss not only to the state of Pennsylvania, but to the States in general. I question very much whether an officer of equal abilities of his grade, & in his line, can be furnished by any State in the Union.

Doctor John M'Dowell has resigned his commission on the 1st instant. The surgeon's mate, Richard Allison, is fully qualified, I believe, to succeed him.

There will be a vacancy now for a Surgeon's mate from our State. Doctor Scott, the surgeon's mate of the Jersey quota, begs me to recommend a friend of his, Mr. John F. Carmichael, (a native of Pennsylvania.) I have no knowledge of the young Gentleman, but from Dr. Scott's representation, I beg leave to recommend him to fill the vacancy, provided the hon'ble Council thinks it proper, and has no other person in view.

I have the honor to be, Sir,

With the highest Esteem & respect,

Your most h'ble & obt. Serv't,

JOS. HARMAR,

Lt. Col. Com. 1st U. S. Reg.

Directed,

The honorable P. Muhlenberg, Esq., Vice President in Council, Pennsylvania.

Council to Govs. of New Jersey and New York, 1788.

In Council,

Philadelphia, July 2d, 1788.

Sir,

Having received undoubted information from the County of Luzerne, in our state, that Timothy Pickering, Esq., the Prothonotary, was in the night of the 26th ultimo Violently taken out of his house by persons unknown, being painted like Indians, and as they

will probably elude the pursuit of a party of the inhabitants by passing into your State, we request your Excellency's aid and authority may be interposed for apprehending and bringing the Villains to justice.

I have the honor to be,

With great Respect,

Your obedient and very humble Servant,

BENJAMIN FRANKLIN,

President.

His Excellency the Governor of New Jersey, and His Excellency the Governor of New York.*

Nathan Denison to Sec'y Biddle, 1788.

Kington, the 8th of July, 1788.

Dear Sir,

I have to inform you that I received your letter of the first of this instant, and give my harty thanks for your attention to the affairs of this Settlement. I have only to inform you that I do not think so much of the plan of the insurgent Now as I Did at the time that Mr. Elicut left us, as there is but Eighteen that have been active in that party as yet, that we Can find out. Would not trouble you With a long account of affairs, but for particulars must refer you to a general letter to Council for the information of What has turned up with us Since We rote last. Pleas to give my compliments to Col. Reddick and Col. Deen, and except the same your Self. From your frind and Humble Servent,

NATHAN DENISON.

Directed,

The Honrable Charles Biddle, Philadelphia.

Deposition of Andrew Ellicott Relative to Timothy Pickering, 1788.

June 8th, 1788.

This day I arrived at Tyoga. I found the inhabitants up the river above Wyoming, (with few exceptions,) disaffected to the Jurisdiction of Pennsylvania, and anxious for the liberation of Mr. John Franklin. At Tunchannock I found a number of people assembled in a riotous manner about the House of a Mr. —— Marcey,

* See Col. Rec., Vol. XV., p. 484, 489.

they had taken off the Roof of his House, and were preparing to level it with the ground, which they effected before night. From my appearance they supposed me to be a Traveler, and enquired from what part of the Country I came, I informed them from Philadelphia; they then requested information relative to the liberation of Col. Franklin, as they were pleased to call him, I gave them all the satisfaction I could, and closed my relation with observing that I believed they gave him a military Title to which he had no claim. They answered that a free people had a right to appoint their own commandant. I advised them to submit to the Jurisdiction of Pennsylvania, but they treated the advice with contempt.

At Mishopping I found one Mr. Dudley and his sons violently opposed to the Laws and Jurisdiction of this State.

At Tyoga I could plainly perceive the disposition of the people in favour of Franklin and the half Share rights.

On the 17th I was informed that a plan was just ready for execution that would throw the County into confusion, and was desired to put Col. Pickering on his guard. On the 19th I set out by water for Wyoming, in the afternoon I stopped at Obediah Gore's, Esq., while I was there we received information by a person who was a stranger to me, that on a day which he named, a meeting (in which John Jenkins presided) had been held down the river by the leaders in opposition to the Jurisdiction of Pennsylvania, in which it was resolved to take Col. Pickering, and retaliate for the captivity of Mr. John Franklin; he likewise informed us that the day preceding this meeting, John Jenkins passed chiefly at Col. Butler's. On the 22 I arrived at Col. Pickering's, and gave him all the information I could relative to the state of affairs up the River, and the general disposition of the People—he would not give any credit to that part of the information respecting the determination to take, and retaliate on him for the imprisonment of Franklin. On the 26th, in the evening, between the hours of 11 and 12 o'clock, Mrs. Pickering sent a person to inform me that a number of armed men, painted like Indians, had a few minutes before entered their House, made her Husband prisoner, pinnioned him and carried him off; immediately after receiving this information I went and alarmed Col. Butler and Cap. Schott. On the 27th, about 10 o'clock in the afternoon, Cap. Schott followed the Insurgents with 18 Horse Men; by 10 o'clock in the morning about 140 of the Militia were collected at Wilksborough; and on the 28th, about 9 o'clock in the morning, 28 of the Militia were sent off. In the evening Capt. Schott returned with the Horse Men, after advancing within 7 miles of 7 of the Insurgents—the same evening 10 of the Militia also returned. On the 29th, in the evening, the remaining 18 Militia returned, after taking two suspicious characters. On the first of July 50 of the Militia, under the Command of Major Mires and Capt. Ross, set out from Mr. John Hollenback's up the river after the Insurgents.

The following persons compose part of the body of Insurgents

Viz, John Hyde, Capt., Daniel Earle, Benjamin Earle, ———— Cady, Wilkes Jenkins, Joseph Dudley, Gideon Dudley, David Woodward, John Whitcomb, Timothy Kilbourn and Thomas Kinney.*

AND. ELLICOTT.

In Council, July 7th, 1788.

Personally appeared Andrew Ellicot, Esq., and declareth on his solemn affirmation the foregoing narrative to be true.

Affirmed & subscribed in presence of .

Proclamation to Arrest John Jenkins &c., 1788.

Pennsylvania, *ss.*

By the Vice-President *and the* Supreme Executive Council *of the Commonwealth of Pennsylvania,*

A PROCLAMATION.

Whereas by depositions taken according to law, it appears that several evil disposed persons have conspired to obstruct the execution of the laws in the county of Luzerne, and have violently seized and carried off the person of Timothy Pickering, esquire, an officer of government, whom they still retain as a prisoner:—And Whereas it is of great importance to the good people of this Commonwealth that such heinous offenders should be brought to condign punishment:—We have thought fit to offer, and do hereby offer a Public Reward of Three Hundred Dollars for apprehending and securing *John Jenkins*, Three Hundred Dollars for apprehending and securing *John Hyde*, and the sum of One Hundred Dollars for apprehending and securing each and every of the following named persons, viz. *Daniel Earl, Benjamin Earl,———Cady, Wilkes Jenkins, Joseph Dudley, Gideon Dudley, David Woodward, John Whitcomb, Timothy Kilburne*, and *Thomas Kinney*, or for apprehending and securing any other persons who shall be convicted of aiding and assisting in taking off the said Timothy Pickering—the reward for apprehending and securing any of the above named persons will be paid on their being deliverd to the jail of the county of Northampton:—And all Judges, Justices, Sheriffs, and Constables are hereby strictly enjoyed and required to make diligent search and enquiry after, and to use their utmost endeavours to apprehend and secure the said offenders, so that they may be dealt with according to law.

Given in Council under the Hand of the Honorable Peter Muhlenberg, *Esquire, Vice-President, and the Seal of the State at Philadelphia this eighth day of July, in the year of our Lord one thousand seven hundred and eighty-eight.*

PETER MUHLENBERG.†

Attest CHARLES BIDDLE, Secretary.

* See Col. Rec., Vol. XV., p. 489

† From hand bill, printed in German as well as English.

V. P. Muhlenberg to Joseph Cowperthwaite, Sheriff, 1788.

In Council, Philadelphia July 8th, 1788.

Sir,

From a change of circumstances since the last determination of Council with regard to Franklin, and to prevent the pernicious consequences that would probably arise from his escape. Council request that the Liberty Franklin at present enjoys be abridged & that you will be pleas'd to direct the Jailer to take every prudent measure in his power to prevent any possibility of an escape, but to prevent any injury to the Health of Franklin The Board wish he may be permitted twice a week to enjoy the Benefit of the air in the Jail yard, for a limited time, & with circumspection.

I am Sir,
your very humble Servant,
PETER MUHLENBERG.*

Directed,
Joseph Cowperthwaite, Esq.

Zebulon Butler &c., to Pres. Franklin, 1788.

Wilkesbarre, July 9th, 1788.

Sir,

As the Bearer, Mr. Wigton,† goes this day to Philadelphia on his own private business, we think it highly expedient by him, to inform your Excellency & Council of the present situation of this County.

In our last, we informed that the People in general, were spirited and seem'd determined to do all in their power to silence the lawless Banditti who committed the Riot of taking Col. Pickering. In this we have to inform that we were not deceived The Militia under the Command of the Sheriff repaired near to the place where the Rioters were posted, and after the scheme was agreed upon in which they were to be attacked, Capt. Ross with a party of twelve or fourteen began his march & just after day light appeared the next morning, met the Rioters, gave them Battle and oblig'd them to leave the ground. In the attack Capt. Ross behaved with much intrepidity and Calmness, but had the misfortune of receiving a wound through his arm and another through his body. However we are happy to find them not mortal. By appearances we have much assurance that he will soon recover, as yet we have no certain intelligence that more than one of the Rioters are wounded, How-

* See Col. Rec., Vol. XV., p. 489. † See Ibid, 493.

ever it is to be believed that there are more, how many we cannot tell.

After this small engagement the Militia soon returned. The places of the Rioters resort is so situated, that after mature deliberation it was concluded a smaller body of Men would much better effect their reduction. Their number does not exceed eighteen and it is generally thought and indeed reported that many of them are much dissatisfied with the imprudence of their conduct, and some of them have left the County. Col. Pickering, by the remainder of them is still detained, but we have some expectation that he will be released by them in the course of the week. The fathers of most of the Rioters we have in close custody—Some or all of them have advis'd to the nefarious plan, and afforded comfort to the Rioters since their appearance in arms, for which proceeding we think their liberty ought to be restrained. They appear to be much affected with their confinement, and seem willing to acknowledge that they have been embarked in a most glaring enterpize. All possible pains are taken to transmit intelligence to their Children to release Col. Pickering, But whether they will do it or not immediately we cannot say. Measures to oblige them to it are now concerting, and will, the latter end of this week be carried into execution. A number of Men are preparing themselves to steal a march upon them and should the Rioters get no information of it (which we imagine they will not no doubt but they will fall into our hands.

Whatever accounts may be given your Excellency & Council of the *inactivity* of the People of the County we are confident they will gain no ground of belief, when we inform every thing practicable to be done has not been omitted. The militia have done their duty with chearfulness and stand ready for the second Tourc. On the whole, it is probable, and almost morally certain, that we shall disperse the Rioters if not captivate them in a very short time. In the fulest belief of this, we beg leave to subscribe ourselves your Excellency's most obedt and very humble servants,

ZEBN. BUTLER,
WM. HOOKER SMITH,
LORD BUTLER.

Directed,

His Excellency, Benjm. Franklin Esquire, Philadelphia.

* See answer July 28.

Commissioners of Luzerne to Pres. Franklin, 1788.

Wilksbarre, July 9th, 1788.

Gentlemen,

We have the Honor to Inform You we arived at this place on the first Instant, & found the whole settlement in motion, on acc't of Col. Pickerings being carried off a few days before, by a Bandity here called Halfshear men or wild Boys, a Detachment of the Militia accompanied the Sheriff up the river, & several small parties were sent on in Quest of the Insurgents, on the 3d, a few random shotts ware fired across the river, & on the 4th, the Detachment Commanded by Cap't Ross, consisting of 18 men, who had six suspected persons under his Caire, fell in with the Insurgents in number 13, the letter we are Informed had several wounded & ware Obliged to retire, Cap't Ross was wounded, but it is Expected not Mortal. Nothing has happened since. Mrs. Pickering rec'd a letter from the Col., Dated the 3d Inst., Informing hir that he is well & that his Keepers Expected to Exchange him for Franklin, which Idea he Treats with contempt, aledging the State would act Consisting to there Dignity. We Rec'd a hint that a partie is raising secreatly, who are to take the woods in Quest of him. The Bearer waits at the dore, You will excuse hast.

We remain with much Esteem

Your Honors most Obedient

& very Humble Servants,

STEPHEN BALLIET,
WM. ARMSTRONG.

Directed,

To His Excellency the President in Council, Philad'a.

Act of Congress—Western Territory, 1788.

By the United States in Congress Assembled.

July 9, 1788.

A Supplement to an ordinance entitled "An Ordinance for ascertaining the Mode of disposing of Lands in the Western Territory."

Whereas it is found to be inconvenient to execute that part of the Land-Ordinance, passed May 20, 1785, which directs that certain proportions of lands be allotted to the several states, to be sold by the loan-officers in each State. *And whereas*, a sufficient quantity of lands, for satisfying the bounties due to the late army, was set apart by the act of Congress, passed the 22d of October last, whereby

urther drafts for satisfying military bounties in lands from the ownships lately surveyed, are becoming unnecessary:

Be it ordained by the United States in Congress assembled, That o much of the said ordinance, passed May 20, 1785, as ordains hat certain parts of the townships therein directed to be surveyed, hall be drawn for in the name of the thirteen states respectively, ccording to the quotas in the last preceding requisitions, in all the States in order that the same be sold by the said loan-officers; and lso that the secretary at war shall take by lot from the townships when surveyed, certain proportions of land for the use of the late rmy, so far as the same respects future drafts, be and the same are ereby repealed.

Be it further ordained, That the board of treasury be and they ereby are authorised and directed to sell those parts of the seven anges of townships surveyed in the western territory, which are not lready sold or drawn for the use of the late army, in the same manner, on the same conditions, and under the same restrictions and imitations as were prescribed in the resolutions of Congress, of April 21, 1787, except as to the place of sale, and the daily continuance thereof, which may be so far varied that the said board nay commence the sales at New-York or Philadelphia, and adjourn he same from time to time to any part or parts of the United States which they may judge most proper for the purpose.

Be it further ordained, That the secretary at war issue warrants for bounties of land to the several officers and soldiers of the late continental army who may be entitled to such bounties, or to their respective assigns, or legal representatives, certifying therein the rank or station of each officer, and the line, regiment, corps and company in which the officer or soldier served.

Be it further ordained, That the geographer, by warrant under his hand and seal, appoint one surveyor to each of the two tracts or districts of land set apart for satisfying the said bounties by the act of Congress of the 22d of October last; and that the persons entitled to lands by virtue of warrants issued as aforesaid, shall be at liberty to locate them on any part of the two tracts of land set apart as aforesaid; provided that each location and survey shall be bou[illegible]d on one side by one of the external boundaries of one of the tracts aforesaid, or by some prior survey therein, and the external lines of each survey shall run east and west, north and south, such parts thereof excepted as may border upon any river bounding the district, and the several surveys shall be in squares, unless where restrained by such river or by the lines of former surveys; and provided also, that in every location there shall be a combination of as many warrants as shall make the same at least six miles square, and no interstices shall be left between surveys less than six miles wide.

Be it further ordained, That each surveyor upon making any survey, shall protract and lay the same down in a general map to be kept and preserved, and shall make a record of each survey in a

book to be kept for that purpose, and make out and deliver a copy of the survey certified under his hand, to the proprietor or proprietors thereof; and the surveyor shall retain in his hands all warrants by him laid out and located, until he can transmit the same to the board of treasury, which he shall do within one year after laying out the land, certifying thereon under his hand, that the same is satisfied. That the surveyors to be appointed as herein before directed, shall be entitled to receive for the services enjoined them by this ordinance, so much only as shall be allowed and fixed by the governor and judges of the western territory, and shall be liable to be displaced by the geographer for neglect of duty or other misbehaviour; in which case he shall supply any vacancy so happening by a new appointment. That each surveyor who may be appointed under this ordinance, before he enters upon the duties of his office, shall take an oath or affirmation that he will justly and truly execute the trust reposed in him as surveyor of a district of land in the western territory, according to the best of his skill and understanding, without favor or partiality; which oath or affirmation shall be taken before the governor or either of the judges of the western territory, or one of the justices of the supreme court in any of the United States, and being duly attested shall be transmitted to the secretary of Congress, to be by him filed of record. That the maps and records before mentioned, shall at all times be subject to the orders of Congress, to be removed or deposited wherever they shall direct. That if any officer or soldier, or assignee or grantee of either, shall desire to have their bounty of land allotted in the townships or fractional parts thereof, lately drawn for the army by the secretary of war, out of the first four ranges of townships surveyed west of the Ohio, and shall cause such his desire in writing, together with his land warrant to be deposited in the office of the secretary of war, before the first of July, 1789; The said secretary shall cause so much of the said townships which have been drawn for the army, to be drawn for by lot, as will satisfy the warrants so deposited, for which surveys shall be made out and delivered to the several proprietors, signed by the geographer of the United States, which surveys shall be recorded in a book by the geographer, and lodged in the treasury office. *And whereas* lands are set apart for satisfying military bounties, not only in the said districts and townships, but also within the limits of purchases made by several companies.

Be it further ordained, That the persons who have purchased tracts of the federal lands, shall have credit for so much land as the warrants issued as aforesaid and delivered by them to the board of treasury cover; provided that in no case deductions on account of military bounties shall exceed one-seventh part of the purchase.

Done, &c.,

CHA. THOMSON, Sec'y.*

* See Col Rec., Vol. XV., page 496.

Pres. Franklin to Gov. Clinton, of N. Y., 1788.

Philadelphia, July 10th, 1788.

Sir

I beg leave once more to introduce to your Excellency the honorble Mr. Redick,* a member of the Supreme Executive Council of he State of Pennsylvania, who is charged by that Council with some mportant Matters to communicate to, and consult upon with, your Excellency, respecting the outrageous Conduct of some disorderly People inhabiting near the Borders of our two States, which if not peedily and effectually repress'd, it is apprehended may occasion nuch Inconvenience and Mischief. I request your Excellency to ive Mr. Redick a favourable Audience, and to afford him your best Counsels, which will be very obliging to this Government, and articularly to

Your Excellency's most obedient
and most humble Servant
B. FRANKLIN, Presid't.

Directed,

His Excellency Geo. Clinton, Esq., Governor of New York, &c. &c.

Rich. Peters to V. P. Muhlenberg—Turnpikes, 1788.

Belmont, July 12th, 1788.

Dear Sir

I ask your Pardon for not returning sooner the Report of the Perons appointed to view Jones's Lane. I wished to see some of the Gentlemen who made the Report, at our Agricultural Society the Meeting whereof was yesterday. I was disappointed as they did not attend. The Gentlemen who made the Report are all men of character but some of them more intelligent in this particular Branch of knowledge than others. Mr. Curwen appears best acquainted with the Manner of making Turnpikes having assisted at the Work in England. I attended at the Measurement of the Distances & the View of the Road & am clearly of opinion with the Gentlemen that the Road should be made on new Ground. Altho' Goodman's Run is not generally deemed in Jones's Lane yet without it be included in the Part of the Road to be made good the End will not be answered for a few Perches next the Run are the worst of any of the old Road near it. There should be a Bridge over this Run which will not cost £20, if so much. The other two Bridges cannot cost £50. It must therefore be the Expence of covering the Road with Stones that makes the Estimate amount so high. At least this must

* See Col. Rec., Vol. XV., p. 490.

be the heaviest Article. The Ground proposed for the new Road possesses every Advantage one could wish for the Purpose and I think that if the Road was ordered to be laid out & Hands set at Work this Season after Harvest when they can easily be had, it would be most adviseable to throw up the Ground, dig the Ditches & necessary Drains & build the Bridges this Year without stoning the Surface 'till it be searched by the Winter & properly settled. All this can be done at half the Expense of the Estimate as I presume to think. Many hundreds if not thousands of Cart Loads of Stone (which may be dug up for the new Road if wanted) are uselessly buried in Quagmires in the old Road, wherein Layer upon Layer have been injudiciously thrown for a long Course of years. Had these Places been properly searched & drained & Timber, Faggots or even solid Earth thrown in before stoning, one Layer of Stone would have been sufficient. The same Evil will attend the new Road if more Haste than good Speed according the common Saying is now used. The Road may be laid out to the Width of the old Road which I think is Sixty Feet, but there is no Occassion for turnpiking it above 30 Feet wide. I measured several excellent Turnpike Roads in England of the Width only of 25 Feet excluding the Ditches.—There is not a Part of the Ground proposed for the new Road that cannot be drained & possibly many Places which now appear to want stoning may be found firm enough when the Water is properly carried off & none suffered to become stagnant upon them. Should you wish that I should assist in making any further Enquiries on this Subject, I shall be happy in complying with your Request.

I am with much Esteem
Your obed't Serv't

RICHARD PETERS.

I wish Curwen would undertake to do this Bussiness. He seems a judicious honest Man. I do not know what his Inclinations are on this Matter but intended to have asked him.*

Directed,

Hon. Gen'l. Muhlenberg.

Gov. Livingston of N. J. to Pres. Franklin, 1788.

Elizabeth Town, 14th July, 1788.

Sir,

Your Excellency's Letter of the 2d† instant respecting the violent taking of Timothy Pickering Esqr. the Prothonotary of the County of Luzerne in your State, out of his house, by persons unknown, be-

* See Col. Rec., Vol. XV., p. 494.
† See page 326.

ing painted like Indians,—did not come to my hands till yesterday, or I should certainly have done myself the honour of having sooner acknowledged the receipt of it—I had not before, nor have I since, heard anything of that atrocious violence. Should I receive any intelligence of the Perpetrators of it being found in this State, your Excellency may depend upon my using every exertion in my power & consistent with Law, to have the offenders "apprehended & brought "to Justice, & for recovering that valuable citizen & good officer to "his family and the service of his Country.

With real esteem, Sir,

I have the honour to be

Your Excellency's

most obedient & very humble Servant

WM. LIVINGSTON.*

Directed,

His Excellency the President of the Executive Council of the Commonwealth of Pennsylvania.

D. RITTENHOUSE, TREAS., TO P. MUHLENBERG, 1788.

July 14th, 1788.

Sir

I have for some time past used every endavour to collect and prepare for burning the annual Sum of £20,000 paper money, agreeable to law and a late Resolution of Assembly, But the difficulty is so great that one can scarcely forbear suspecting a combination to prevent it. Taxes come in worse than ever. The City & County of Philadelphia alone are indebted £6075 of the Tax for 1787, almost one third of the Quota, besides large Balances for 1783 & 1786. Other Counties are equally deficient. I have nevertheless prepared upwards of £15,000 including £3700 received of the Loan Office. Perhaps a Letter from you, Sir, if Council should think proper, to the Collector of Imposts might hasten in a few Thousands to complete the Sum.

I am, Sir, with great Respect

Your Humble Servant

DAVD. RITTENHOUSE, Treas.†

P. S. Not a Shilling of Taxes for the present year yet rec'd from the City & Co.

Directed,

Honorable P. Muhlenberg, Esqr.

* Col. Rec., Vol. XV., p. 493.

† Ibidem.

David Redick to Pres. Franklin, 1788.

New York, July.

Sir and Gentlemen,

I arrived at this place on Saturday at night, Genl. Irvin took opportunities yesterday of conversing with divers members of Congress respecting the wishes of Council to have Ziegler's Comp'y for the Wioming service, every Gentleman he spoke to countenanced it. This morning the Gen'l, Coll. Reed and myself waited on the minister at war who appears well disposed: but says, that Ziegler has surely marched e're now, that nothing can have prevented: but at the same time says, that there are about 45 Jersey troops who will march within a few days to the westward by the way of Easton and that a further number of troops from one of the eastern States will march by the same route from west point, where they are now stationed, all which troops he is disposed should be ordered to take directions from some Genl. officer appointed by our government to command them.

It will therefore be necessary, if Council will think proper to apply for these troops & that they do it Instantly. I am now sorry that a provisional application was not sent by me, inasmuch as the whole of the members who have been spoken with appear, at this juncture, to be well disposed to serve us: and which may not happen to be the case at a future day, perhaps three days hence it may be otherwise, for as there will be a great question taken soon for the place in which the new Congress shall convene, minds may be soured and especially with Pennsylvania if Philadelphia should happen to be the place, for if that should so happen the eastern members might oppose us in the business: experience tells us that great men some times do little things on little reasons; It may therefore be necessary that a moment be not lost until the application be made through our Delegates; and at the same time it will be necessary to appoint some person to be in readiness to supply the troops with provisions, at, and from Eastown.—A Genl. officer may also be thought necessary, agreeably to Genl. Knoxes Ideas; in that case permit me to suggest my Ideas on that subject. I hope my zeal will be my apology for taking that liberty.

It will in my opinion be necessary that an officer of reputation and military abilities be appointed. The name of an old officer and a great man at the head of the Continental troops will tend at once to discourage every Idea of success in the minds of the Insurgents and at the same time they will crush those who may appear in rebellion. The Union will by this means appear as a principal party and not merely Pennsylvania and at the same time the Genl. officer being appointed by our Government will tend to keep up our own State dignity: Maj'r Reed in Conversation has said that as he thirsts for fame he would Serve the state without pay. I

have no doubt but Genl. Irvine, will, as he always has, be ready to do any thing the State will request, the Council all know him, therefore I need not say a word more, however I will just say further, that the Commander being a member of Congress will have its proper Influence with such of the disafected as are capable of reasoning.

I purpose seting out for Pokepsey to-morrow to meet Gov'r Clinton he is not expected this week at N. York. No stage goes before Thursday, but I hope for a passage in an Albany sloop.

Council may rest assured that I will leave nothing undone which I may have in my power,—it is now after 12 of y^e^ Clock and the mail will be made up in a few minutes, therefore I must conclude with saying I have, &c., the honour to be Sir & Gentlemen,

your most obt. humble St.,

DAVID REDICK.*

Indorsed,—Read June 18.

Directed,

His Excellency, Benjamin Franklin, Esquire, President of the State of Penn'a & the Hon'ble Council, Philadelphia.

Free, Wm. Irvine.

Secretary of Congress to Pres. Franklin, 1788.

(Circular.)

Office of Secretary of Congress,

July 17th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed, a supplement† to the ordinance ascertaining the mode of disposing of lands in the western territory which was passed by Congress the 9th of this month.

With great respect,

I have the honor to be,

your Excellency's

most obedient &

most humble servant,

CHA. THOMSON.

Directed,

His Excellency, The President of Pensylvania.

* See Col. Rec., July 17, Vol. XV. p., 493.

† See page 332.

Warrant—C. J. Morris, N. Y., against Wyoming Insurgents, 1788.

State of New York Ss: By Richard Morris, Esquire, Chief Justice of the state of New York.

To the Sheriffs of the several Counties of the said state
[L. S.] and to their Deputies and to all Constables in the said several Counties and to each of them Greeting.

Whereas by Letters from his Excellency Benjamin Franklin, Esquire, Governor of the Common Wealth of Pennsylvania to his Excellency George Clinton, Esquire, Governor of this state, and by a Proclamation* by the Vice President and the Supreme Executive Council of the said Common Wealth dated the eighth day of July Instant, laid before me by his said Excellency Governor Clinton, it appears that John Jenkins, John Hyde, Daniel Earl, Benjamin Earl, —— Cady, Wilkes Jenkins, Joseph Dudley, Gideon Dudley, David Woodward, John Whitcomb, Timothy Kilburne and Thomas Kinney have Conspired to obstruct the Execution of the Laws in the County of Luzerne in the said Common Wealth and have Violently seized and Carried off the person of Timothy Pickering, Esquire, an officer of Government whom they still retain as a prisoner, and whereas it is suggested by the said Executive Council, that the said John Jenkins, John Hyde, Daniel Earl, Benjamin Earl, —— Cady, Wilkes Jenkins, Joseph Dudley, Gideon Dudley, David Woodward, John Whitcomb, Timothy Kilburne, and Thomas Kinney will, probably to elude Justice, pass into some parts of this state, These are therefore in the name of the people of this state to strictly charge and Command you and each of you to apprehend and take the said offenders and each of them that may be found and all and every other person in whose Custody the said Timothy Pickering, Esquire, may be found, within this state and them forthwith to bring before me in Order that they may be respectively examined touching the premises and to be further dealt with according to Law and the Confederation of the United States and all magistrates, ministerial officers and the good people of this state are hereby required and Commanded to be aiding and assisting in the Execution of this precept as they will answer the same at their peril. Given under my hand and seal this seventeenth day of July, 1788.

RI^d. MORRIS.

By his Excellency, George Clinton, Esquire, Governor of
[L. S.] the state of New York, General and Commander in chief of all the militia and admiral of the navy of the same.

The within Warrant is Issued in Consequence of an application made to me by the Supreme Executive Council of the Common Wealth of Pennsylvania and all officers civil and military within

* See page 329.

this state are hereby required and Commanded to be aiding and assisting in the Execution thereof.

Given under my Hand and Seal at Poughkepsie, this Eighteenth Day of July, in the thirteenth year of the Independence of this State, 1788.

GEO. CLINTON.

GOV. CLINTON TO OFFICERS, &C.—WYOMING, 1788.

Poughkeepsie, July 18, 1788.

Gent.,

The inclosed warrant ag^{t} the Persons therein named, charged with having unlawfully carryed off the person of Timothy Pickering Esqr., a civil officer of the state of Pennsylvania, will point out to you your duty should any of them be found within your County, and I flatter myself you will not fail on this occasion to evince a sister state, of your readiness & disposition to preserve the peace and execute the Laws—I have only to add that should any of the officers of the state of Pennsylvania, in pursuit of the offenders come within this state, it is expected that you will afford them every necessary aid and assistance. I am Gent.,

your most obed't servant,

GEO. CLINTON.

Directed,

The Officers, Civil & Military, at Chemung, in Montgomery County.

GOV. CLINTON, OF NEW YORK, TO PRES. FRANKLIN, 1788.

Poughkeepsie, 18th July, 1788.

Sir,

I have had the honor to receive your Excellency's Letters of the 2d and 11th instant.* The latter was delivered to me by the Honorable Mr. Redick, with whom I have conferred very fully on the subject matter of your Excellency's Letters, and have directed such measures to be taken on the part of this state, as I hope will prove satisfactory and efficient, and of which Mr. Redick will be able to inform your Excellency more particularly.

I have the honor to be,

With the highest respect and esteem,

Your Excellency's most obedient servant.

GEO. CLINTON.†

Directed,

His Excellency, Governor Franklin.

* See p.p. 326, 335.

† See Col. Rec., Vol. XV., p. 497.

V. P. Muhlenberg to Delegates in Congress, 1788.

In Council, Philadelphia, July 18th, 1788.

Gentlemen,

From the late disturbances in the County of Luzerne, Council are of opinion that there will be a necessity of sending troops there. We are informed that some Continental Troops are to march from Connecticut & New Jersey to the westward and in their Rout will be at Easton in this State; we request you will apply to Congress that if it should be found necessary by this Government those Men may have orders to march from Easton to Luzerne, and remain there 'till relieved by troops sent by the State, or 'till the disturbances in the County are settled.

I have the honor to be with great respect, Gentlemen,

Your obedient and very humble servant.

PETER MUHLENBERG, V. P.*

Directed,

Honorable the Delegates of Pennsylvania in Congress.

Petition of Quakers, to Pres. Franklin,—Theatres, 1788.

To the President and Executive Council of Pennsylvania.

The religious Body of the People called Quakers in the City of Philadelphia find it their christian Duty to represent,

That the Government of this Country having heretofore manifested an uniform concern to discourage Stage Representations, and the Legislature of this State convinced of the pernicious influence of theatrical Amusements, which, wherever they are encouraged, are found to be Seminaries of Irreligion, Prodigality and a loose & idle course of living, believed it necessary to the public well being, by prohibitory Laws enacted in 1779 and 1786, to guard against their contaminating effects; notwithstanding which it is sorrowfully affecting to the religiously thoughtful among the people, who are really concerned for the preservation of their offspring, the happiness of their families, and the good of the community at large, to understand by public advertisements & other information, that in defiance of said Laws delusive snares are laid to draw our unwary youth and others into an habitual waste of time and substance in the attendance of those schools of seduction which it is afflicting to observe are openly vindicated by Men claiming reputation for Virtue and Morality, who represent the stage as a nursery of

* See Col. Rec., Vol. XV., p. 496, see also p. 350 of this.

politeness of manners, and refinement of sentiment, altho' experience abundantly shews, they have a subtil if not direct tendency to undermine that sincere virtue, that true and unfeigned spirit of Benevolence whish is the fruit of sound christian Principle. Is it not notorious that Fornication and Adultery (the grossness whereof veiled under the delusive term Gallantry) are among the characteristics of the devoted pupils of the stage? Is not the Theatre the Resort of the licentious, those who despise or disregard punctuality and the faith of contracts? Are not Gamblers and the companions of Brothels to be found there? from a communication and familiarity with such characters, what is that boasted politeness of Manners and refinement of Sentiment the tender minds of youth are to be impressed with? Is it not besides evident to every serious and sober enquirer that at these unchristian Entertainments the vindictive spirit of duelling is powerfully inculcated, deceitfully baited and disguised under a false Idea of Honour and Magnanimity? Much more might be urged and many respectable authorities adduced in support of the propriety and justness of our concern on this occasion were it necessary to enlarge; but we trust an impartial attention to the subject will sufficiently shew its importance to Men under whose care is primarily entrusted the execution of the Laws intended for the preservation and support of the public Weal; and as we conceive not only the happiness of Society injuriously attacked, but the dignity of Government also insulted by the open contravention of the Law in the exhibition of Stage Plays, under whatever evasive name disguised, as well as by those other idle Jugglers and Performers of Legerdemain Tricks who have of late published their pernicious occupation in this City, we could not hold ourselves excused under the foregoing considerations from laying before you a concern so very interesting; believing that thereby we evidence our attachment to a righteous administration of Government and show that we sincerely are,

Your real Friends.

Signed By NICHOLAS WALN,
JAMES CRESSON,
THO. MORRIS,
JAM^{s} PEMBERTON,
JOHN PARRISH,
JOHN DRINKER,
JOSEPH BRINGHURST,
DAVID EVANS,
THOMAS ROGERS,
OWEN BIDDLE.

On behalf of the said People called Quakers, Philadelphia, 18th 7th Mo. 1788.

Deposition of Ira Manvil—Wyoming, 1788.

Ira Manvil of Plymouth in the county of Luzerne, yeoman, charged with being one of the party who on the 26th of last month, in the night, being armed, entered the dwelling house of colonel Pickering in Wilkesbarre, and with force took and carried him away, & detained him a prisoner, in open violation of the law, being brought before William Hooker Smith & Benjamin Carpenter, Esq's Justices of the Peace for the said county, and asked what he had to say to the charge, answered, that he was guilty. He then made a relation of the circumstances under which he engaged and continued in the party, in order to shew that he was unwillingly drawn into it; and that, after he had been at Tioga to inquire into the foundation of the proceedings, & did not get satisfaction, & had returned to the party, he used his endeavours with the party to get colonel Pickering set at liberty.

The above examination & Confession taken & made the 19th day of July, 1788, before us.

WM. HOOKER SMITH, } Justices of
BEJ'N CARPENTER. } the Peace.*

Deposition of Benedict Satterlee, 1788.

County of Luzerne, ss. July 19, 1788.

Benedict Satterlee of Plymouth in the county of Luzerne yeoman, charged with joining & being one of the party of armed men, who with force entered the house of colonel Pickering in Wilkesborough in said county, on the 26th ultimo, & took & carried him away and detained prisoner, was brought before William Hooker Smith & Benjamin Carpenter Esqrs., Justices of the peace for said County, and being asked what he had to say to the charge aforesaid, answered That he was was guilty. He farther confesses & says that he had not heard of the design to take Colonel Pickering, untill the day on which he was taken. That Frederick Budd & Ira Manvil on that day came to him at his School house, and told him that a bond had been sent to Phila. to bail Colonel Franklin according to directions from the Chief Justice, that he was not bailed, & that the bond was kept. That he Budd had come with a party to take Colonel Pickering as a hostage to redeem Colonel Franklin, and asked the confessor to join the party, which he declined, but at length said he would go and see them, which he did, but without joining them, and came and attended his school that afternoon.

* See Col. Rec., Vol. XV., p. 505.

That he and Manvil afterwards went down to the river to see the party, where he was strongly urged, for full three quarters of an hour to join them, they saying that they had a good foundation for their proceedings, that they were to have reward, or to be made good for their trouble, and when he still declined, John Hyde jr., one of the party said full two thirds of the settlement were with them, & that if he, the confessor, did not join them, he would not be able to live in the settlement, and he consented to join them.

Taken and made before us,

WM. HOOKER SMITH, } Justices of
BENJ. CARPENTER, } the Peace.

Copy, Commitment of two Wyoming Insurgents, 1788.

Luzerne County ss.—To the Sheriff of the County of Luzerne and [SEAL] to the Sheriff of the County of Northampton in the State of Pennsylvania Greeting.

[SEAL] Whereas complaint has been made to us William Hooker Smith and Benjamin Carpenter Esquires Justices of the Peace for said County of Luzerne against Ira Manvil and Benedict Statterlee both of the same County, Yeomen, for that they said Ira and Benedict with divers other persons on the twenty sixth day of June last in the night, being armed with guns & other weapons, and most of them having their faces disfigured, surrounded and entered the dwelling house of Timothy Pickering Esqr., at Wilkesbarre in said County of Luzerne and seized and bound him and carried him away, and detained him a prisoner until the fifteenth Instant in flagrant violation of the peace, of which Crime they have this day before us confessed themselves guilty. Therefore in the name of the Commonwealth of Pennsylvania, we Command you the said Sheriff of Luzerne to take and safely convey the said Ira and Benedict to the Common Goal of the said County of Northampton and there deliver them to the Sheriff of the said County of Northampton, and you the said Sheriff of the County of Northampton are in like manner commanded to receive and keep in close custody the bodies of the said Ira Manvil and Benedict Satterlee untill they shall be delivered by due course of Law. Given under our hands and seals the nineteenth day of July in the year of our Lord one thousand seven hundred & eighty eight.

(Signed,) WM. HOOKER SMITH,
Indorsed thereon, BENJN. CARPENTER.

Commitment pursuant to an act of General Assembly passed the 29th day of September 1787. (Signed,) T. PICKERING,
Clerk of the Peace for the County of Luzerne.

Copy, July 26th, 1788. ROB. TRAILL.

Timothy Pickering to Pres. Franklin, 1788.

Wilkesbarre, July 19, 1788.

Sir,

I have the pleasure to inform you and the honourable Council that I am restored to my liberty. The band of ruffians who took me, finding themselves unsupported, even by the men who advised and directed them in the affair, came to me last Monday with proposals to set me at liberty, saying they had been advisd by their friends & one of the magistrates whom they had seen, to make their peace with me, & petition Council for a pardon. With respect to myself I told them, that the injury was very great & that I was entitled to heavy damages, that nevertheless I would forgive the personal injury on the single condition of their strict obedience to the laws in future. This they said they were willing to comply with, and become engaged, the whole for each one of the party; and on failure by any one the whole to be still liable to my action. They then pressed me to intercede with Council for the pardon they should petition for, but I refused. However, as they continued their importunities, I at length told them, that on one condition I would intercede for them, this was, that they should give me the names of all their head men (as they called them) and advisers. They took time to consider of it, 'till the next day, when they finally declined it. They then begged me to forward their petition to Council, as they should not have an opportunity of doing it. This I told them I would do, and I now inclose it. The last name of the petitioners I have dashed out; the young man having joined the party but a few days before I was released, and for the sole purpose of discovering their lurking places, that he might conduct a party to relieve me. This young man has since collected three or four of his acquaintances, and with them lain in wait for two of the party, whose intended movements he was informed of while with them, and just before day yesterday morning, took both of them, and last night these two were sent off to be lodged in Easton goal. The party were also very urgent with me to intercede for Franklin's being admitted to bail as soon as possible, but this I utterly refused to do. They expressed their fears that if not soon released he would die in goal, and wished me to believe, that it was not for the sake of getting him into the county again that they were so anxious for his enlargement; for if bailed on condition of his residing with his father in Connecticut they should be perfectly satisfed. They added That Major Jenkins had said that if Franklin had been released on the bail sent to Philadelphia, it was his intention that he should remain here not more than a month, just to settle his affairs & get new cloaths, when he would leave it. Altho' no reliance is generalle to be put on what Jenkins says in such cases, yet it is probable he spoke the truth in this instance, for both he and several others of Franklins

pricipal adherents are closely connected with Livingston, McKinstry & others, now usually called the York Lessees, *who have a plan to execute*, as I have heretofore taken the liberty of suggesting to Council. Jenkins and Swift, by the last accounts, were both with the lessees at Canadesago lake, where they expect to hold a treaty with the Indians. From the testimony of the young man who has turned States Evidence, there is room to believe that Livingston & McKinstry encouraged the party to detain me as a hostage for Franklin's release. The reason is obvious, But there is another of the party which took me, who knows more, & the Justices have sent him a passport to come down & give his evidence. To this and the other the Justices have given the usual assurances of a pardon on condition of their making full discoveries of the whole scene of villainy. These two persons, after I was released, and was on my way home, sent me a message declaring their readiness to turn States evidence if they could be pardoned. Council, I trust, will eventually cause the expectations of pardon to these two witnesses to be fulfilled, agreeable to the encouragement held up to them by the magistrates & me.

I have honor to be,
very respectfully Sir,
your most obedient Servant,
TIMOTHY PICKERING.*

Directed,
His Excellency The President of the State of Pennsylvania.

Certificate of Gaoler respecting Manvil and Satterlee, 1788

I do Certify that Thomas Drake has this day delivered into the Goal of the County of Northampton the bodies of Ira Manevil and Benedict Satterlee committed as being two of the persons concerned in apprehenning Timothy Pickering Esq., lately at Wyoming.

Witness my hand at Easton July 21st, 1788.

HENRY BUSH, Goaler.

* See Col. Rec., Vol. XV., p. 502, 505, 507.

Contempt of Court—Eleazer Oswald, 1788.

Respublica v. Eleazer Oswald.	In the Supreme Court of the State of Pennnsylvania.

At a Supreme Court held at Philadelphia for the State of Pennsylvania, on the twelfth day of July, in the year of our Lord one thousand, seven hundred and eighty-eight, by several adjournments from the second day of the same month. Before the Honorable Thomas McKean, Esquire, Doctor of Laws, Chief Justice and his associates, Justices of the said Court. Mr. Lewis produced to the Court an affidavit of Andrew Brown, plaintiff, in a certain cause depending in the same Court, wherein the said Eleazer Oswald is defendant, stating divers papers and facts, which papers were produced and read, and thereupon, and upon James Martin and Thomas Proctor, Esquire, being sworn and examined, he moves that a Rule be granted that the said Eleazer Oswald shew cause why an attachment should not issue against him for a contempt of this court, as stated in the said affidavit, Whereupon, Rule that the said Eleazer Oswald shew cause on Monday, the fourteenth day of July, instant, accordingly:

14th day of July, 1788, Eleazer Oswald appeared in open court, agreeably to the rule of the 12th day of July, instant, and thereupon, the said affidavit and papers were read to him, among which was a piece under the signature of Eleazer Oswald, contained in a public Newspaper of the first day of July, instant, stiled the Independent Gazetteer or the Chronicle of Freedom, Volume 7th, No. 796; the publication whereof from the printing office of the said Eleazer Oswald was proved to the court on the oath of James Martin, whereupon, the said Eleazer Oswald was demanded by the court whether he would answer gratis to interrogatories to be exhibited to him to exculpate himself from the contempt charged against him as aforesaid, and proved upon him by the said affidavits and papers; who thereupon by his Counsel, Mr. Sergeant, prayed that he might have time to consider of his answer thereto, 'till to-morrow, and that he might give bail for that purpose, which prayer was accordingly granted him; and it is ordered that the said Eleazer Oswald enter into a recognizance himself in two hundred pounds, and one good surety in two hundred pounds, or two good sureties, in one hundred pounds each, that the said Eleazer Oswald personally be and appear at a Supreme Court to be held at Philadelphia for the said State, to-morrow morning at ten o'Clock, to answer in the premises, and not depart, &c.

Eleazer Oswalds tent in	£200
Blair McClenachan tent in	£200

Upon condition that the said Eleazer Oswald personally be and appear at a Supreme Court to be held at Philadelphia to-morrow morning at 10 o'clock to answer, &c., and not depart, &c.

10 o'clock, A. M., 15 July, 1788, personally appeared Eleazer Oswald in open Court, and thereupon, the said Eleazer Oswald was demanded whether he would voluntarily answer to interrogatories to be exhibited to him to exculpate himself from the charge of a contempt proved against him as aforesaid, or enter into a Recognizance for that purpose, who refused the same declaring that he would not answer interrogatories: whereupon it is considered by the Court here, that the said Eleazer Oswald for the contempt aforesaid be committed to the Common Goal of Philadelphia County for the space of one month, pay a fine of Ten pounds to the Commonwealth of Pennsylvania, discharge the costs of prosecution, and in the mean time remain in the Sheriff's Custody.

I certify that the above is a true transcript of the Record of the Supreme Court; Witness my hand the 21st day of July, 1788.

EDW. BURD,
Prot. Sup. Court.

ANDREW BROWN,
v.
ELEAZER OSWALD.

In the Supreme Court of Pennsylvania to July term, 1788.

Andrew Brown, the plaintiff in this cause maketh oath that on the fourteenth day of June last, he sued out of this Honorable Court, a Capias ad respondendum against the above named Eleazer Oswald, for making and publishing against this Deponent a libel under the signature of "fact or Blunt," published in the Independent Gazetteer of the 27th of December, Anno Domini, 1786, and a certain other Libel, under the signature of "Peep," published in the same Gazetteer of the 26th of January last, and a certain other Libel under the Signature of "A Foe to scribbling Dunces, and pseudo Patriots," published in the same paper, on the 31st January last, and a certain other Libel under the signature of "No Tiffany," published in the same paper on the 14th of March last; and a certain other libel under the signature of Obediah Forceps, published in the same paper on the 22nd of March last; and on the same fourteenth day of June last, delivered the said Capias to Stephen Page, a Sheriff's Officer, with a request to serve the same as soon as possible. That the said defendant having some time after been arrested, served a notice on this Deponent to appear before the Honorable George Bryan, Esq., to shew cause of bail in the said

* See Col. Rec., Vol. XV., pp. 495, 501, 503, 504, 505, 506.

action; that this Deponent appeared accordingly, and by his Counsel shewed and read all the said publications in the presence and hearing of the said Oswald as cause of bail in the said action, and that on the next day the publication under the signature of Eleazer Oswald addressed to the public in the said Gazetteer, appeared in the said Gazetteer, and this Deponent doth further say, that the said Eleazer Oswald is the printer and publisher of the said paper, entitled the Independent Gazetteer, in which the said publications appeared.

AND'W BROWN.

Sworn the 12th July, 1788,
before the Supreme Court, in open
Court, EDWARD BURD, Proth.

I certify that the above is a true Copy of the Deposition of Andrew Brown alluded to in the Record hereto annexed, witness my hand the 21st day of July, 1788.

ED'W BURD,
Prot. Sup. Court.

V. P. MUHLENBERG TO DELEGATES IN COUNCIL—WYOMING, 1788.

In Council, Philadelphia, July 22nd, 1788.

Gentlemen:

By the direction of Council, I have the Honor to inform you, that it is the wish of the Board, you would be pleas'd to make direct application to the Honble the Congress requesting them to permit the Continental Troops, now preparing to march to the westward, to be employ'd for a limited time against the Wyoming insurgents, orders will Issue imediately to supply the Troops with provisions &c. at Easton until the pleasure of Congress is known, & if the application should meet the approbation of Congress proper steps will be taken to supply the Troops with all necessaries during the march from thence while employ'd. The Board wish for the earliest information relative to the success of the application, that they may proceed to the appointment of an officer to command in chief.

I have the honor to be with great respect, Gentlemen,
Your obedient and very humble servant.

PETER MUHLENBERG, V. P.*

Directed,

Honorable the Delegates of Pennsylvania in Congress at New York.

* See Col. Rec., Vol. XV., p. 496, see also p. 342, 352 of this.

V. P. Muhlenberg to Lt. Zebulon Butler, 1788.

In Council, Philadelphia, July 23th, 1788.

Sir,

I am directed by Council to acknowledge the Receipt of your favor by Mr. Wigton* and at the same time to express to you, their entire approbation of the Conduct of the officers of government in Luzerne relative to the Rioters. Council are so well assur'd that every thing possible will be done by you, that they have hitherto postponed the raising, & marching troops to your assistance, until circumstances shall otherwise direct. You will be pleased to assure the officers of Government & the well affected Inhabitants, that if it is necessary they will on application be immediately supported by a sufficient number of troops, and in all probability a body of Continental Troops will be directed to assist in expelling the Rioters out of the Boundaries of this State; to effect this completely, proper measures have been concerted with the States of New York & Jersey.

Council further request you would be pleas'd to give them the earliest intelligence, if circumstances should take an unfavorable turn. That they may immediately take the necessary measures, as they are fully determined to enforce the Laws & to restore order & good government in Luzerne.

PETER MUHLENBERG, V. P.

V. P. Muhlenberg to C. J. McKean, 1788.

Secretary's office, Philadelphia, July 24th, 1788.

Sir,

I have the honor to transmit to you herewith inclosed a copy of a Resolution of Council dated yesterday upon the petitions of Abraham Doan and Levi Doan who are now confined in the Jail of this City, under sentence of death upon an Outlawry—and at the same time by direction of Council am to inform you that a certain Jacob Dryer who, in the year 1787, was convicted of a Burglary and was pardoned by Council, is now recommitted to the Jail of this City charged with another Capital offence.

I have the honor to be sir, with great Respect,

Your obedient and very humble servant.

JAMES TRIMBLE,†

for Charles Biddle, Sec'y.

Directed,

Honorable Thomas McKean, Esq'r, Chief Justice of Penn'a.

* July 9, see page 330, and Col. Rec., Vol. XV., p. 493.

† See Col. Rec., Vol. XV., pp. 497, 500.

Resolution of Congress—Wyoming, 1788.

July 25th, 1788.

By the United States in Congress Assembled,

Resolved, That the Secretary at War direct the detachment of Troops marching to the westward to rendezvous at Easton in Pensylvania, and from thence march into the County of Luzerne for quelling the disturbances in that County; provided the Executive Council of Pensylvania shall find the assistance of those troops necessary; provided also that the said Troops shall not be delayed in their march to the Ohio, more than two weeks.

CHA. THOMSON,* Sec'y.

Delegates in Congress to Pres. Franklin, 1788.

New York, 28th July, 1788.

Sir,

We had the honor to offer for the consideration of Congress two applications from the honorable the Supreme Executive Council of Pennsylvania for a detachment of the troops of the Union, one dated the 18th, and the other the 22nd Instant, we took the earliest opportunity in our power to effect a speedy determination, the result of which we herewith transmit;

And have the honor to be,

With every great regard,

Your Excellency's most

Obed't & humble Servants,

WM. IRVINE,

JOHN ARMSTRONG, Jr.,

WM. BINGHAM,

JAMES R. REID.†

P. S.—We will move for, and hope to obtain the troops as long as the State may require them.

* See Col. Rec., Vol. XV., p. 502.

† Ibid and 342, 350 of this.

Secretary of Congress to Pres. Franklin, 1788.

Office of Secretary of Congress,

July 28th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed, an act of the United States in Congress assembled, which was passed in consequence of a motion made by the Delegates of Pennsylvania, pursuant to instructions from the Supreme Executive Council.

With the greatest respect,
I have the honor to be, your
Excellency's most obedient &
most humble Servant,
CHA. THOMSON.

Directed,
His Excellency, the President of Pennsylvania.

Col. Timothy Pickering to Pres. Franklin, 1788.

Wilkesbarre, July 28, 1788.

Sir,

In my last I mentioned the petition of the ruffians who lately made me their prisoner, and that I inclosed it to Council; but forgot to do it, being hurried by the bearer of that letter when I sealed it, & the others transmitted with it. I beg leave now to enclose that Petition, It may be worth preserving *as evidence against the petitioners*, if it answers no other purpose.

By Mr. Hodgdon I received several advertisements in which Council offer rewards for apprehending the villains concerned in that act of violence. I sent immediately for two active young men in whom I could confide, I engaged them to make up a party to go in quest of the offenders; and I have reason to think they might have succeeded, could the enterprize have been kept a secret: but the villains have too many abettors among those who are or pretend to be friends to law and regular government; and unfortunately also, the offer of the rewards was announced in the News Papers printed as early as the 14th instant; & Mr. Hodgdon did not arrive till the 20th: and thus an expedition, the success of which depended on secresy, in the first attempt has failed. The majority of the party,

however, yet persevere, and mean to pursue the offenders as long as any chance of apprehending them remains. I have pretty certain intelligence that four of them have fled by the upper road thro' the Great-Swamp; and these will doubtless take refuge in the States of New York & Connecticut. Their names I have heard, viz. Daniel Earl, Solomon Earl, Daniel Taylor & Zebulon Cady. This Daniel Earl is the man who first offered to turn States evidence; and as he was probably possessed of more information than any other of the party, the Justices sent up a passport for him to come down; but his brother Benjamin having been taken, he fled before the passport could reach his usual residence.

The County Lieutenant has shown me a letter from Council, which was brought up by Mr. Hodgdon. I read it with pain: because it indicated a continuance of that extreme forbearance & indecision of Government which have been the bane of every public measure to introduce the regular & full operation of law into this county. I hope Council will pardon this freedom of expression. My exertions to establish the authority of the State in this settlement have been constant and open: they have consequently exposed me to the resentments of an ungrateful people: But expecting a due support from Government, I have persevered. Even my late ignominious imprisonment did not discourage me. Distressing as it was to me and my family, I did not repine: For I consoled myself with the idea, that much public good would result from the evil: I persuaded myself that Government would now take decisive measures to produce a due submission to the laws. One I conceived should be to *send and station in this county a permanent military force, under a brave, sensible and prudent officer.* Nothing else will prevent or crush the plots and conspiracies, or restrain the open violence of a turbulent & unreasonably jealous people. Even among the old settlers, there appear to be few who do not anxiously wish for Franklin's liberation. This violent attachment I have often wondered at. It cannot be merely the effect of friendship, affection & gratitude. The consideration of *interest* will alone solve the problem. The half-share-men have derived their imaginary property thro' Franklin; and by him only, released from prison, and placed at their head, they expect to maintain it. But besides these, who are called half-share-men in the strictest sense of the phrase, there is a multitude of the *old settlers* to whom Franklin had the policy to grant half-share-rights, to interest them in the support of his plan of opposition to Pennsylvania. But independently of the influence of these grants of half-share-rights, the old settlers, *habitually jealous* of the Government and doubting whether their old rights of possession will ever be confirmed, ardently wish for Franklins enlargement; because, with him at their head, they may hope yet to maintain, by craft and violence, what cannot otherwise be secured. However, whether I have hit on the real cause of the people's attachment to Franklin, or not,

—that it is strong to an astonishing degree, and almost as general as it is strong, are serious truths.

The other measure is the confirmation of the *old settlers* in their rights & possessions regularly acquired before the decree of Trenton, according to the tenour of the confirming law, now suspended; or in some other way at last equally comprehensive. This confirming law, whether revived or not, added to their other grounds of claim, it is supposed will effectually operate, in a federal court, to assure to this people all the lands therein expressed to be given or confirmed. And there can be no question, which will be most for the honour of the state, voluntarily to establish its own grants, or to let them be established by a federal court.—That their old *possessions* should be confirmed, seems to be the general voice of all disinterested persons who have any knowledge of the subject. The very commissioners who pronounced the decree in favour of Pennsylvania, at the same time strongly recommended *this confirmation.* And such confirmation alone, *at that time*, it is morally certain, would have given satisfaction—that not a man would have lifted his voice, much less his arm, against Government—that peace would have been restored, and the laws introduced—and, with these blessings, some thousands of orderly settlers, who now would have been good citizens, enriching the state with the surplus of their produce, and by the payment of considerable taxes, contributing to the support of Government. But the opportunity of adopting this measure, so obviously prudent and expedient, having been lost; and such various proceedings and events as are within the knowledge of Council, having since taken place,—something more seems necessary now, to secure the quiet of the county; and I think I may venture to say, that nothing short of the measures above mentioned will produce that salutary effect.

I have dared, Sir, thus freely to express my sentiments, from a consideration of the duty I owe to the State, & a feeling sense of the duty I owe to myself and family.—My coming hither was not originally an affair of my own seeking: It was *proposed to me*—it was *urged* upon me—on the ground of probability that I might be the instrument of giving peace and satisfaction to this settlement, & save the State from a great expence of blood & money in a civil war. On this ground I applied for the offices Government have been pleased to confer upon me: expecting, it is true, that those offices, joined to the convenience of managing to more advantage the lands I had taken up under the State, within or adjoining the county, would ultimately compensate for the difficulties I should have to encounter in effecting so desirable an issue of this inveterate dispute. I have now too much reason to repent the confidence with which I engaged in this undertaking. What have been the repeated distresses of myself and family, and what losses I must have sustained, Government can easily imagine. Whether these distreses shall be renewed, and whether I shall finally be ruined, God knows: The measures

which Government shall now adopt, will probably determine my fate —and the fate of the county.

I have the honor to be
very respectfully, Sir,
your Excellency's
most obedient servant
TIMOTHY PICKERING.*

Directed,
His Excellency the President of Pennsylvania.

Zebulon Butler to V. P. Muhlenberg, 1788.

Wilkesbarre, July 29th, 1788.

Sir,

Your favour by Mr. Wigton† was handed me in five days after its date—am very happy to find by it that Council are satisfied with those in office in using their endeavours to quell the tumult lately made in our County by those who made Colo. Pickering a Prisoner. Every possible exertion has been made that could be, to retake Coll. Pickering and restore again peace and regularity among us—and our efforts have been so far successful as to oblige the Rioters to release their Prisoner and meditate their escape from our County. Since the letter by the express to Council was carried, the Sheriff's Posse who at that time marched up the River, returned without doing much.—The situation of those places to which the Rioters usually resorted, was so very peculiar that it was found impracticable to meet them with any kind of advantage, if to meet with them at all. Finding this to be the case a number of Volunteers soon after the return of the Posse stole a march upon the Rioters and made of them Prisoners to the number of three, but then I ought to remark the night before their capture Colo. Pickering was released and sent down the River to his family. Since which time another Party have been up, and some of whom have this day return'd with Joseph Dudley, one of the Rioters, dangerously wounded. He was taken yesterday, at a Creek called Yosocks—in company with him, were eight more who unfortunately made their escape. A very few shots, if any were exchanged in the attack—By their route and what information we can get, they were on their march from this State to the Lakes. Their situation is very precarious. The People at Tioga point aremostly under arms, and are now in pursuit of the remainder of the Rioters, and in all probability have before this either drove them from the County or made them Prisoners. A full

* See Col. Rec., Vol. XV., p. 505.
† See page 351.

determination seems to be in every one's mind, to crush and disperse all those who have been active in the riot. It gives me singular satisfaction to find that an attachment to government very universally prevails among the People. Any force necessary to the free circulation of Law or to quell simular disturbances to the one lately taken place, we can raise at any hour.

Council encourages if any assistance should be necessary, that it shall be granted us. We return them our most hearty thanks for their assurances, but have every reason to conclude that the People of the County (by a very great majority,) are so strongly attached to government as to be able and willing to baffle and defeat all the machinations of the few, who are disaffected without any assistance from the State.

Never before this, could I determine with much precision what defence, for the support of Law would be made by the People of the County, if necessary. But I now may with propriety I believe assert, the advocates for government are so numerous, that we never shall again be disturbed with such tumults and dissentions as we have been in times past.

By the concession of all those whom we have now in custody, they have been most grossly deluded by a very few designing Characters, in whom by woful experience they find no kind of confidence ought to be placed. Indeed, not only they, but others, on whom we have ever looked with a jealous eye are now of the same opinion. Very generally the People seem now bent on peace, and will if necessary, to obtain it hazard their lives with much readiness and freedom, and the late rupture instead of diminishing, has encreased the friends of government. With this opinion I set myself down promising to the Inhabitants as well as to myself order and regularity for the future.

I am with Esteem,
your most obedient &
very humble servant,
ZEBN. BUTLER.

N. B.—By Capt. Schotts I am informed that in consequence of representations respecting his conduct in the expedition up the River his character suffers much in the view of Council. I have only to inform that he was censured here, and on his own request, I summoned from the Battalion a number of Company officers who composed a regular Court of inquiry, and after hearing the Complaint and the defence of Capt. Schotts, the Court acquited him with honour.

yours as above,
Z. B.*

Directed,
To the Honourable Peter Muhlenberg, V. President, Philadelphia.

* See Col. Rec., Vol. XV., p. 505.

Evidence of Joel Whitcomb, &c., 1788.

The evidence of *Joel Whitcomb.*

The s[d] Joel testifys that one Aaron Kilbourn told him to tell Mr. Keeney (the Prisoner,) that he must come down to Capt. Dudley's, for the Troops were coming up, and if the Troops should not be at Mishoping to go down as far as Tankhannak. This same information, by special direction he gave to Garret Smith, who replied that he hurt his arm and could not very well go. The said Witcomb further testifies, that in the afternoon (on the same day,) he was at Dudley's Mill and saw a Number of the Rioters there, among whom were Daniel Solomon & Benjamin Earle, Gideon & Joseph Dudley, David Woodward and some others whom he knew not. In general they observed that they must have s[d] Keeney & said Smith along with them. He further says that a bag of flower was taken out of a Canoe and carried to Mr. Kilbourn (the Prisoner's house,) to be baked for the Rioters. He further heard them say after the Troops had come up the River that they had fired on them and would again when opportunity offer'd.

Mr. Keeney, the Prisoner.

Says that he has been seen under arms he supposes since the taking of Colo. Pickering, but his Reasons for it were these. Wanting some tobacco and Cabbage Plants and hearing of none nearer than Mr. Parke's he took his Canoe and arms went after the plants with an intention, (after getting them,) to hunt up Mahoopponer Creek. He saw the Rioters and says that those mentioned by the above witness were among them. He wholly denies of ever joining them or in the least countenancing their imprudent plan. Capt. Dudley and Mr. Kilburn, meaning the Prisoners did countenance the proceedings.

Elijah Reynolds, Prisoner.

Says that he saw some grain in bags carried to the Rioters from Mr. Tylers house by one of Mr. Kilbourn's boys, but denies of ever having aided, or in the least assisted the Rioters. He knew nothing of the plan of taking Colo. P., untill informed by Tyler's family. The Rioters informed of nothing what their designs were, but he imagined, altho' they said, when they began their march that they were going a hunting, their designs were to take Colo. P.

Joseph Earl, Prisoner.

Says that he knew nothing of the plan of taking Colo. P., until it was accomplished; at the time his Sons and others went down the River he was returning from Wilksbarre home. On his arrival he found his wife in tears, and upon requesting the Cause she said the Boys were gone to take Col. P——. In a little time afterwards, hey returned to his house & Colo. P. a Prisoner with them. They ll tarried a while at his house; and towards evening Colo. P. was

taken across the River. His three Sons, two Dudleys and Hyd carried him over.

Ephraim Tyler, Prisoner, issuing Commissary.

Says that the Rioters had of him eighteen pounds of Pork, but denies that he ever was privy to the plan of taking Colo. P.

Martin Dudley, Prisoner.

Says that he was intirely ignorant of the design and plan of taking Colo. P—— until after it was accomplished. He has uniformly advised his Sons since and others concern'd, to release Colo. P. and submit themselves to law.

Joseph Kilbourn, Prisoner.

Says that he knew nothing of the plan of taking Colo. P——, but advised his son not to be one of the Party, (Mark the contradiction.) He says that John Hyde was at his house last Sunday, going as he supposed to the Point, upon business. He confesses that his family baked bread, which he supposed went to the use of the Rioters. On the whole he confessed himself to have been under a false delusion and privy to all that has taken place. Informed was he (as he confesses,) that a step of the kind would meet the approbation of the County at large, but finds now that he has been deceived, and he believes other Persons concerned are not less sensible of it.

Col. Timothy Pickering to Pres. Franklin, 1788.

Wilkesbarre, July 29th, 1788.

Sir,

This morning was brought hither Joseph Dudley, one of the persons who took me off, & for apprehending whom Council have offered a reward. He is badly wounded, it is apprehended mortally. The party mentioned in my letter of yesterday, worn out with continual watching & fatigue, had dropped their pursuit, save one, whose name is John Tuttle. He went farther up the river & informed a captain Rosewell Franklin that a number of the offenders were making their escape up the river. Capt. Franklin immediately collected a party of about fourteen, and on further information from one or two other persons, well attached to Government, that the offenders were at a certain time at Standing Stone, on their way up the river, he concluded to lie in wait for them at Wysock's creek. The offenders advanced according to the information. But it was expected, as the creek was much swoln with rains, that they would have called to the house on the other side for a canoe; when it was intended that one of capt. Franklin's party should go over for them, but on his return, overset the canoe; and by thus wetting all their arms & amunition, render the capture of them easy, without hazard

of shedding blood, on either side. But three of the offenders, Joseph Dudley, Nathan Abbot & Benjamin Abbot, came first to the creek, and forded it. Capt. Franklin ordered them to surrender: when Dudley called out *Don't fire*—yet immediately raised his rifle to his face, on which several of Capt. Franklin's men fired, and wounded Dudley and one of the Abbots. But they all attempted to make their escape—Dudley ran four hundred yards & dropped, & while Tuttle & another pursued him, the Abbots did escape. The rest of the offenders took to the woods, doubtless with an intention to cross the creek two or three miles above its mouth. Capt. Franklin however, rode forward, intending to go as far up as Sheshequenunk, (within four miles of Tioga,) or higher, to prepare the people to watch for the coming of the offenders & to seize them.

This day a woman whose son lives with John Jenkins, informed me that he had sent down to his wife to prepare to move with her family immediately to the Lakes. By the last accounts it appeared that Jenkins was engaged to survey lands in that country for the York Lessees. The enclosed memorandum shows the present situation of the party who took and kept me prisoner, according to the latest information I have received. Concerning some of these, the Justices, as well as myself, wish to receive some direction from Council & the Chief-Justice or Judges of the Supreme Court.

I believe that in my former letter of the 19th or 20th instant, (I took no copy of it,) I informed Council that Daniel Earl* was the first of the party who offered to turn State's Evidence, and discover all concerned; and that he & his brother Benjamin the next day sent me a message that they both would turn State's evidence, if they could be pardoned. Benjamin was afterwards taken; and his information on oath I now enclose. The father, Joseph Earl, who had been committed, but was discharged for want of evidence against him, was entrusted with the Justices passport, and a letter from me, for his son Daniel: but on hearing that Benjamin was taken, Daniel fled, & the letter & passport probably have not yet overtaken him.

The father of William Carney came down last week to enquire whether lenity could not be shown him, as he was not of the party when I was taken, & left it some time before I was released. I advised his surrendering himself, as a further recommendation to mercy. This day he appeared and gave the information contained in the enclosed paper, which I believe is true, to the best of his knowledge. The young man I find has sustained a good character; and I had formed so favourable an opinion of him during the day he was on my guard, that I had concluded voluntarily to recommend him to mercy, after he had quitted the party, & some days before I was released, he sent a message to Esquire Smith, informing that he was ready to deliver himself up.

Noah Phelps, by his wife, has this day prayed Esq. Smith that her husband might be admitted to bail; and he would forthwith

* See page 346, 353.

surrender himself. She said they had a family of small children to provide for—a harvest of hay and grain to get in—and none to help them: That her husband joined the party unwillingly, at the same time that Carney joined them, and under similar circumstances of false information & threats. It appeared, however, that Phelps was with the party as late as the 15th of July (the day before I was released) and that he has not sustained a clear character: therefore Esq. Smith did not think proper to show him the indulgence he gave to Carney, whom he discharged on condition of his appearing when called, to do whatever shall be directed by the Chief Justice or the Judges of the Supreme Court, several of his friends also verbally engaging for him.

Joseph Dudley being so dangerously wounded, it is impossible for his captors to take him to Easton jail: Nevertheless I presume they will be deemed entitled to the reward as if they had delivered him there. Tuttle, in particular, has very great merit, for his zeal & perseverance. Council will observe one name to the petition is erased: It is Tuttles. Having made the party believe that he had joined them in heart, as well as person, it was necessary for him to sign it with them. He proposed the stratagem to some well affected persons, for the purpose of discovering my place of confinement, that he might then lead a party to deliver me & seize my keepers. He came accordingly to my retreat, but the party released me before there was an opportunity to execute the plan. He also made me a tender of his services to go to the Lakes and bring off John Jenkins, *before it was known that Government had offered a reward for apprehending him.* And this was a principal object of this last expedition which Tuttle says he would have pursued, had not his companions given out.

In the expedition in which captain Ross was wounded, divers elderly men, fathers of families, were made prisoners, and brought down to Wilkesbarre, on suspicion that they were abettors of the party who took me. Of these one Reynolds was immediately discharged for want of evidence; and Joseph Earl (who had been committed) was, for the same reason, discharged on the 19th instant. Martin Dudley, (father of Gideon & Joseph Dudley,) Joseph Kilborn (father of Timothy & Aaron Kilborn,) Nathan Abbott (father of Nathan and Benjamin Abbot,) Ephraim Tyler, and Thomas Kinney, who is named in the proclamation of Council, still remain in the jail at this place. These men have applied to the magistrates to admit them to bail: but as they have been committed on evidence which the Justices deemed sufficient to warrant the measure, their authority *now* to admit them to bail is doubted. As the evidence against them does not appear very clear, and all of them have families in distress, some of them miserably poor, perhaps the Justices may be prevailed on to bail them: Nevertheless, I am very desirous that particular directions may be speedily sent up concerning them, and all others whose cases I have particularly described. And I pray

Council to take order in the matter as early as possible; and that when any directions are to come from the Chief Justice or Judges of the Supreme Court, that they may be requested to forward them as soon as may be.

Stephen Jenkins (brother of John) has been apprehended (& is now in jail at this place) in consequence of the evidence against him in B. Earl's deposition. Daniel Earl also told me that Stephen Jenkins was as deeply concerned in the plot as any one.

Gideon Church has not been apprehended; because good policy seemed to require that a door should be left open for repenting sinners. He went out with the three first parties to apprehend the offenders and rescue me. By the last company of volunteers he was chosen their captain, and conducted with such spirit and judgement as pleased the whole of them; and they acknowledge that if they had fallen in with his advice they should doubtless have taken nine of the offenders: whereas they took but one, B. Earl.

Old Benjamin Harvey (who lived at the lower end of the Shawnee flat) fled a few days after I was taken, and said (as I have heard) that some others would be obliged to follow him: yet the hint in Wm. Carney's examination is the only evidence which has yet appeared against him. His flying, joined with his former conduct, affords a strong presumption of his guilt.

Evening, 11 o'clock. This moment the jailer here applies for a winding sheet, informing that Joseph Dudley is dead.

I am sir, with great respect,

Your most obedient servant.

T. PICKERING.*

P.S. There has just been handed me a transcript of the examination of Thomas Kinney† & other prisoners, heads of families, in the jail of this County, which I enclose. I have seen another account of their examination somewhat different; and from what I have heard, I conclude that enclosed is imperfect. Abbot's examination, I am informed, was private, at his own request, and the Justices did not commit it to paper. It is expected that further, and stronger evidence will appear against all or most of them.

Directed,

His Excellency, the president of the state of Pennsylvania

* See Col. Rec., Vol. XV., p. 505.

† See page 358–9.

James Jacks to Secretary Biddle, 1788.

Sir,

Yesterday I Received a Letter from Council dated 28th of July. 1788, wherein was inclosed a Commission to Michael Hubley, Esquire, appointing him President of the County Court, Common Pleas, Quarter Sessions, of the Peace, and Jail delivery, &c., in and for the County of Lancaster, wherein there is a Postscript mentioning that Jacob Reigar, Esqr., and Mr. Andrew Graff, have applied to Council for Separate Commissions as Justices of the Peace and Common Pleas, as they were both named in the two Commissions, and desiring me to inform you whether the President or Vice President of Council signed the Commissions to these Gentlemen, or whether General Armstrong, the late Secretary, attested the same, or James Trimble for him.

Both Commissions are dated 5th March, 1787, Signed by Charles Biddle, Esquire, Vice President, & attested by James Trimble, for John Armstrong, Jr., Secr'y.

I am Sir, with the Greatest Respect,
your most Obedient, Humble Servant,
JAMES JACKS.

Lancaster, 5th August, 1788.

Indorsed,
From James Jacks, Esquire, Recorder of Lancaster County.

Directed,
Charles Biddle, Esquire, Secretary to the Executive Council, in Philadelphia.
℔ Post.

V. P. Muhlenberg to Timothy Pickering, 1788.

In Council,
Philadelphia, August 5th, 1788.

Sir,

I am directed by the Board to inform you that your Letter of the 19th of July* did not reach them until Thursday last, and tho' it was generally reported that the Insurgents had liberated & permitted your return to your Family, yet your Letter was the first Authentic Account the Board rec[d] on that Head. I wrote a Letter to the Lieut. of the County on the 23d† of last month, (a Copy whereof I enclose) informing him that the Board would render every Assist-

* See page 346. † Ib. 351.

ance the Laws of the State would warrant to the Friends of Government—and that they were determined to enforce Obedience to the Laws—requesting at the same time the Lieut. would give Council the earliest information if any change should take place, favorable or unfavorable.

The intelligence your Letter contains is however every thing we have heard from Luzerne that can be depended on, and as it is impossible for Council to proceed with any degree of certainty to enforce the plan in view, They have thought it necessary to send an Express, and request you will be pleased to give them full information how matters are situated. They request likewise your Opinion—with the reasons annexed—whether an Armed Force is necessary to restore Order and good Government; and whether it will be necessary for the restoration & establishment of peace to the County to fix a post at Tioga! The Board direct me to inform you, That tho' they wish this desirable end of restoring order & Good Governm^t in Luzerne may be obtained by Lenient Measures, yet that they are now prepared to act with energy, and compel obedience to the Laws. Upon application of this Board to the United States in Congress, we have obtained their permission to employ the Troops of the Union ag^t the Insurgents. They are now marching to Rendevouz at Easton, where they will wait the Orders of the Board. This circumstance alone will convince you how necessary it is that Council should have the earliest & fullest information.

I am, Sir, with great Respect,

Your most obedient, and very humble Servant

PETER MUHLENBERG.

Vice President.*

Directed,

Timothy Pickering, Esqr., Luzerne County.

V. P. Muhlenberg to Delegates in Congress, 1788.

Philada., Aug't 6th, 1788.

Gentlemen,

By direction of the Board, I have the Honor to inform you—That we have this morning, by express, rec'd Letters from Colo. Pickering and other Officers of Government in the County of Luzerne. From these it appears that matters have taken a more favorable turn than was at first apprehended. Colo. Pickering was liberated by the insurgents on the 16th of July, & the men who carried him off are now by their petition, praying Council to grant them a pardon. The proclamation issued by the Board has produced the desired effect—two of the rioters are now confined in Easton Jail—and some others in

* See Col. Rec., Vol. XV., p. 505.

that of Luzerne—several have been Wounded, & Dudley, one of the most notorious, died in Luzerne Jail of the Wounds he rec'd. Those of the rioters who still remain, are dispersed, and seeking refuge on the Lakes. From this change of affairs, and the Accounts from the Western Waters, which seem to indicate that the Troops of the Union will be wanted in that Quarter, as well as from the shortness of the time limited for which the Troops can possibly be spared, & the consideration that the chief end for which the application was made is already answer'd—The Board are induced to request you would be pleased to inform The Honble. The Congress of the United States, that we gratefully acknowledge the favor conferred on this State by so readily granting the assistance requested—but as the emergency has ceas'd, & as the State will now have time to act deliberately, and as circumstances shall in future direct, we furrther request that the troops of the Union may *now* be directed to continue their route agreeably to their first destination. The Board have in the mean time directed a Commissary to proceed to Easton to provide for the subsistance of the Troops until further orders.

I am, Gent.,
your most obedient,
and very humble servant,
PETER MUHLENBERG.*

Secretary Biddle to Col. Timothy Pickering, 1788.

Secretary's Office,
Philadelphia, August 7th, 1788.

Sir,

Inclosed you have the opinion of the Judges on the late disturbances in Luzerne. Council agree with the Judges that the best method that can be taken with the Prisoners will be to have them prosecuted for a riot—the Att'y General will take the first opp'y to forward on the papers necessary for this purpose.

I am Sir,
your obedient and
very humble servant,
CHARLES BIDDLE, Sec'y.†

Directed,
T. Pickering, Esqr.

* See Col. Rec., Vol. XV., p. 505.
† See Col. Rec., Vol. XV., p. 505, 507.

Secretary Biddle to C. J. McKean, 1788.

August 7, 1788.

Sir,

Thos. Jones and John McIlroy have applied to Council to be admitted into the invalid corps—the Board wish to know whether those men are entitled to pensions, if they are, something may be done for their immediate support.

I am, Sir,

your most obedient, and

very humble servant,

CHARLES BIDDLE, Sec'y.*

Directed,

Hon. Thos. McKean, Esq., C. J.

Col. Timothy Pickering to V. P. Muhlenberg, 1788.

Wilkesbarre, August 9, 1788.

Sir,

Last evening I was honoured with your letter of the 5th,† with sundry enclosures, by express. The requests of the board therein mentioned, I believe I have in a great measure anticipated, by my letters of the 28th & 29th ult.,‡ sent by a Mr. Morris.

With respect to the first, for "full information how matters are situated" here—I have to observe, *that the whole county is at present in peace;* all the insurgents who have not surrendered themselves or have not been taken, having fled into the neighbouring States. On the 4th instant the two young Abbots, (Nathan & Benjamin,) were conducted to this place, having surrendered themselves to Nathan Kingsley, Esquire, at Wayalusing. Their examinations discovered nothing new. They joined the insurgents after they had taken me up the river. They are simple fellows, & appear not to have been intrusted with the secrets of their party. One of them is but about 17 years old. Their misconduct is probably chargeable to their father, Nathan Abbot, the old man now in Luzerne jail, who with an understanding not much better, has, it is said, a heart very depraved. He (as well as each of his sons) is a half share-man; and his disposition in regard to the government may be learnt from the deposition of Garret Smith, a copy of which I now enclose. By the same deposition the guilt of Martin Dudley & Ephraim Tyler is very

* Col. Rec., Vol. XV., p. 505, 507.

† See page 363.

‡ See pages 358, 359.

clearly proved, & the guilt of Thomas Kinney put past a doubt. Joseph Killborn's own confession on his examination manifested his guilt. But several other depositions of their neighbours remain to be taken, when farther proofs of their guilt will appear; and perhaps some others will be criminated. These other witnesses are to appear here & give their evidences on the 18th instant. I have also the deposition of the wife of Thomas Wigton, which contains some original information, with a relation of many small circumstances, & much hearsay; & therefore I have not thought it necessary to send a copy to Council. One passage only I will here transcribe. After relating that John Jenkins called at her husband's house at Mishoppen, the day after I was taken off, she says—"my husband asked Jenkins if he did not think this would be a bad affair, & lead to fighting? I don't know (says Jenkins) *but I swear* (adds he) *we must fight, in order to have peace.*"

A few days after young Dudley was buried, some people were for digging up the body, to expose it to a coroner's inquest: for they said he was *murdered* by the party which took him. And I find that in the beginning of this week (while I was absent attending my wife on her way to Philadelphia) a number of the old settlers from Nantikoke & Shawnee (as many as eight or ten) came to Wilkesbarre, warmed with the same zeal for digging up the body of Dudley; but the Sheriff & some other gentlemen talked with them, and partly by reason & partly by threats, checked their zeal, & sent them home cool, and in appearance tolerably well satisfied. In fact, a disposition to murmur at every correcting measure of government & act of the magistrate, tho' necessary for the establishment of good order, & strictly legal, prevails among great numbers of the people. Without referring to particular characters, whose conduct & declarations would nevertheless designate not their own only, but the disposition of a party, I beg leave to notice the late elections of militia officers in the upper battalion. John Jenkins & John Swift were chosen Lieut. Colonel & Major, by a great majority! and Martin Dudley, Joseph Killborn, & David Woodward (all names now familiar to Council) were chosen Captain, Lieutenant, & Ensign of one of the companies! Divers similar elections of disaffected characters took place in the same battalion. In a word, it would seem to have been an object with a majority of the electors to choose such men, not for the purpose of supporting, but, in proper time, of opposing the government of Pennsylvania.

In my letter of the 28th ult°, I remarked that multitudes of the old settlers were half share-men. Within a few days past some of my neighbours have told me that they think *one half* of the old settlers and their sons are half-share-men. And I recollect that in January, 1787, at a town meeting called at my request, John Jenkins said, that of the half-sharemen then in the county, not more than 30 were New-Comers. Ebenezer Marcy, Esq., of Pittstown,

(Lachawanock,) a sedate, observing man, says there are now fewer well affected inhabitants in that town than there were 16 months ago. In one word, altho' the measures taken by Council, & the officers & well disposed people of the county, in consequence of the late violent outrage on my person, have given the disaffected a severe shock, yet their disposition to murmur & excite disorder remains. They were at least as much shocked after their insurrection of last October, when they had had time to reflect on their unwarrantable proceedings, *& expected the vengeance of government to overtake them:* but they soon recovered their spirits, and began to meditate retaliation for the imprisonment of John Franklin, & this was to seize & detain me a prisoner. And as, instead of good officers and old soldiers, there was sent hither only an ordinary company of militia, this served to heighten their confidence in their own party, & increase their contempt for the force of the State.

The foundation of all the disorders in the county was laid by John Franklin, as an inhabitant, & the prime agent of a junto of the Susquehanna Company. John Jenkins was a principal assistant. The people universally think that in times past they have been ill used & deceived by Pennsylvania; and these men (with other inferior agents) taking advantage of this strong and general prejudice, have found it easy, by lies and sophistry, to persuade great numbers, that notwithstanding all appearances to the contrary, they will still be ill-used & deceived; and therefore that they have no security for holding their lands, but in their tomahawks and rifles. Their credulity is truly astonishing. On one side the most improbable lie and the weakest sophistry have the effect of plain truth & the strongest reasoning. Their incredulity on the other hand, is not less extraordinary. For instance, should the federal troops now rendezvousing at Easton not march into this county (& I do not think it at all necessay that they should) this class of the people will never believe they were intended to be marched hither, but will say the story was raised only to alarm their fears.

My former accounts of the state of this county, & what I have now said of its inhabitants, may chiefly be thus summed up. That the people, generally, having, during a long course of years, been bickering with Pennsylvania—having, at sundry times, greatly suffered by her attempts to subdue or expel them—having, during the same period, entertained jealousies of her, lest one day she should crush them—these jealousies (as is natural to the weaker party) being in the greatest extreme, & having become habitual—the same jealousies also being still kept alive by the artifices & lies of a few designing men, and the indecision of government respecting their lands—many also being willing to hazard every thing, rather than trust to the honour, faith & generosity of the State. Many (like the men who resorted to David) having fled hither from other States, to escape from justice, or their creditors—the mere half-share-men

having no chance of holding any land but by overturning the authority of the State in this settlement—Many others having old possessions, & by themselves or sons, or both, also holding half-share-rights, & wishing to secure the latter (in many cases the more valuable lands) as well as the former; and thinking they have a very good chance of securing both, by temporizing, by making a partial submission to government, & keeping themselves in readiness to resist when a supposed favourable opportunity presents—and concluding from past uniform experience, that they may act thus with impunity—their head men in the settlement, and the junto of the Susquehanna Company (such as Judd, Hamilton, Benton, Beach, &c.,) being also closely connected with the New York Lessees, with whom, it is past doubt, this settlement was to act in concert, & from whom they expected to derive effectual support. From all these causes many of the inhabitants have an utter hatred of Pennsylvania, and many more have a greater or less degree of disaffection. And this disaffection has been confirmed by a ridiculous confidence that they were able to cope with all the force the State could send against them. Not that the militia of Pennsylvania were unable, if disposed, to subdue them; but Franklin & Jenkins have made them believe that a body of militia equal to this effect, & disposed to produce it, could not be raised; and that from the divisions in the State no other effectual force would ever come against them. Council knows that Franklin himself, tho' far better informed than the mass of the people, had the madness and folly to attempt an open resistance to the State in arms. It was for this purpose he sent his written orders to his adherents, especially the half-share-men, to assemble in arms, in October last, to prevent the election of militia officers, signing himself *Colo. Commandant.* I suppose Council is now possessed of two of his orders, in his own hand writing—Mr. Ellicott took them with him to Philadelphia. On that day (had not Franklin fortunately been previously carried off) the authority of the State in this county would doubtless have been utterly subverted, & every officer of government banished, or compelled to swear obedience to this New Commander. At this moment great numbers of half-share-men are in actual possession of lands allotted to them by Franklin & Jenkins, from Tunkhannock to Tioga; and I cannot believe that other claimants, (either Pennsylvanians or old Connecticut settlers) would be able to get possession of those lands in the ordinary course of law. For tho' many of these half-share-men have taken the benefit of the law to recover debts, or, being debtors, have so far submitted to its operation; yet (like old Abbot, in Garret Smith's deposition) swear vengeance against any who shall attempt to dispossess them of their half-share-rights.

I therefore continue of the opinion, *That in order to establish the peace of the county of Luzerne, it is necessary to fix a military post at Tioga.* This appears to me to be the dictate of *humanity* and

sound policy, as well as of *necessity*. If a regular force, sufficient to overawe the turbulent, be there stationed, the laws will have their free and natural operation, & the *exercise* of force will perhaps never be requisite; thus the shedding of blood may be prevented. And a much less force will be adequate to overawe the disaffected, than to crush their rebellion when once they have flown to arms. I suppose, however, that *very few*, even of the *old settlers*, deem it at all necessary to send troops hither, altho' it were only to form a post at Tioga. They (& among them Col° Denison) were of the same opinion after the tumults of last autumn had subsided. Yet it is a truth that the civil officers have not been able fully to execute the laws more than thirty miles up the river from this place At Tunkhannock & upwards, as well criminal as civil process (so far as the latter respected lands) has been set at defiance. The coming of troops would hurt the pride of some, who would say it would be a reflection on the county; they say also that troops always plunder and do mischief; and they fear that measure will operate in the Assembly against their claims & petitions for a confirmation of their lands. Of the latter tendency I am not insensible; but tho' interested myself to obtain such confirmation, I feel no disposition to conceal my sentiments on this subject, or keep Government in ignorance of a single fact that may contribute to the forming a just idea of the state of this county. I confess that the exertions of the people here against the late insurgents seem to have had a very good effect; and the folly of attempting, by small numbers, so to violate the laws has been manifested. And in consequence hereof there will be need of fewer troops than if the late disturbance had not happened.

I beg leave to add another reason for fixing a post at Tioga. There are great numbers of orderly people, farmers and tradesmen, who would come and settle in this county. Divers such have, to my knowledge, been waiting for the establishment of peace, in order to remove hither; but they will not come until the authority of government is indubitably established. The present calm, like the former, they will justly suppose to be deceitful. But surely 'tis of vast importance that the number of good citizens here should be increased—such would strengthen the hands of government; and after no long period, the laws having had their full operation, the troops might be disbanded. Should it be the determination of Government to raise a company of good troops for the purpose mentioned, it will be expedient that a part (perhaps a fourth) should consist of some faithful young men of the county, who are hardy & brave, who are woodsmen, and who know the inhabitants, particularly the most disaffected characters, and the country.

The letter to the Sheriff, with the warrant, &c., from New York, I delivered to him yesterday, and requested him to concert measures particularly for seizing John Jenkins. The Sheriff is now going to Tioga, and I hope his endeavours, with those of others who may be

tempted by the offered reward, will be successful in seizing that atrocious offender.

I have the honour to be
with great respect sir,
your most obedient servant,
TIMOTHY PICKERING.*

Directed,
The Honourable Peter Muhlenberg, Vice President, &c.

Deposition of Garret Smith, 1788.

I, Garret Smith, of the township of Braintram, in the county of Luzerne, and of lawful age, testify and declare That on Sunday evening on the twenty second day of June last, I was at Meshoppen, and between the houses of Thomas Wigton and Martin Dudley, met Gideon Dudley, said Martin's son, when Gideon said he had a great secret to reveal to me, at the request of Major Jenkins, colonel McKinstry, and John Hyde, (the son of John Hyde of Wilkesbarre, as I took it) and asked me if I would keep the secret. I answered That I would, if it was not to injure myself or my neighbours. He then said it was to take Colonel Pickering, and carry him into the woods, and there keep him, untill Colonel Franklin was returned to the county or released (or such like expression he made use of). I told him I would think of it till the morning. The next morning I called at Captain Dudley's (having lodged at said Wigton's) and told Gideon I would go home and talk with my wife, but rather thought I should go with them. I then went down into the mill, to Captain Dudley and asked him if he knew any thing about the affair of taking Colonel Pickering. He answered yes—but that he was unwilling that both of his sons should go I asked why. He answered for fear they should be found out—for if one was at home people would think the other was some where at work. I then asked him which was going. He answered, Gideon, and that he (Captain Dudley) was willing he should go, and support the cause, but wished his son Joseph might not go, lest it should be found out that his sons were in the scrape. I then said Captain Dudley, I am a poor man, if I go who is to support my family, while I am gone? He answered, I will—I have enough—After this I left Meshoppen to go home in a canoe. When I had pushed up as far Ephraim Tylers, I landed, and went to his house, where I found Joseph Dudley above mentioned, who immediately said to me—you are my prisoner for a while—(he had a tomahawk in his hand) Then Ephraim Tyler asked me if I was willing to go and take

* See Col. Rec. Vol. XV., p. 514.

Colonel Pickering? Then Joseph Dudley added—speaking to me, you have promised to go, and must either do that, or go down to Lieutenant Kilborn's (that is Joseph Kilborn's) and there lay confined 'till I return (meaning as I understoood 'till he and the party returned from the taking of Colonel Pickering) I then said I had not promised, but only that I would go home and talk with my wife and if she is against it I will not go. I then set off to go to my canoe, but was followed by said Tyler and Joseph Dudley, who took hold of me and by force brought me back to Tyler's house. I then said to Tyler if I go what shall I do for provisions in going, and to support my family while I am gone? Tyler answered—I have sent the flour of two bushels of wheat, and fifty weight of pork, to lieutenant Kilborn's out of which you can be supplied; and I will see that your family has provisions in your absence, and I will get a man or go myself to work on your land, and we will also allow you a dollar a day for every day you are gone.—To whom (said I) shall I look for this pay? He answered you may look to me for it. I then turned about, and said to him—I cannot go. Then Tyler's wife said she had dreamed last night, that the boys went to take an Elk, and that a person had been there and told the Elk, and that he was gone. Then her husband Ephraim Tyler said, If Garret Smith will give me his word and honour that he will go, or that he will not reveal the secret in three week, then he may go home. He brought a bible and asked me to lay my hand on it and swear, but I told him it was against my principle. He then asked me to hold up my hand, which I did, when he spoke to this effect—you declare that you will keep this secret for three weeks, I answered I will, after Tyler said if I would give my promise, I might go home. Elijah Reynolds who was by, said Garret Smith has lived with Colonel Hay, and knows what he is about.—I rather guess it is best to have him sworn, And then Tyler offered me the bible, as above mentioned.—I then left them, and went home. The same day I thought of my neighbour Thomas Kinney, and as he was a half share man, I suspected he might be concerned in the affair. In the evening he came to my house, and we set out together and went up little Tuscorora creek to hunt. On our way I said to him Mr. Kinney, do you know any thing of this affair of the boys going to Wyoming? He answered yes—and added—The Pennamites have drove the Connecticut (or New England) People, and plundered them, and now we mean to have revenge and plunder, and if you will go along, you shall have part.—I forgot to mention, That while at Tyler's as abovesaid, Tyler told me, that if I would go along with the boys, I should have, besides what he had before promised, the place I lived on (part of which I supposed belonged to Doctor Smith) and the half of ten acres of good wheat which James Smith then had on the ground,—for the other half must go to support the boys in the woods.—When Gideon Dudley proposed

the matter to me, I asked him where we were to get support from? He answered—out of the settlement. I then asked him, who was going to vindicate this cause. He answered—That colonel McKinstry was coming with five hundred men, in order to subdue the settlement—That he McKinstry) was to take possession of John Hollenback's mill and place and John Hyde of Doctor Smith's place. I asked—What are you going to do with John Hollenback? He answered—Damm him, tomehawk him as soon as we can see him.—I also asked him (before this) if Doctor Smith was concerned in the affair. He answered no—and that he (the Doctor) was a damned rascal. I also asked if Col. Butler was concerned. He answered—no, not that I know of.

The mark of
GARRET SMITH.

Luzerne ss. August 7, 1788. Then Garret Smith who has subscribed the aforewritten deposition, being duly sworn, did declare, That the same deposition contains the truth, the whole truth, and nothing but the truth, to the best of his present recollection.

before, WM. HOOKER SMITH,
Justice of the Peace.

I the said Garret Smith farther recollect and declare, That about a week before Colonel Pickering was taken, I saw Nathan Abbot, the elder at his own house (which is in the township of Braintram) and He then swore, That he would support his place where he then lived, and that he would kill any damned Pennamite that should ever set his foot on it. Said Abbot holds his place, as I have always understood, by a half-share right.

The mark of
GARRET ⋈ SMITH.

Sworn as above August 7th, 1788, Before Wm. Hooker Smith, Justice of the Peace.

Delegates in Congress to V. P. Muhlenberg, 1788.

New York Augt. 18th, 1788.

Sir,

We have the honor to acknowledge the Receipt of your letter of the 6th instant* and will take the earliest opportunity of communicating the pleasing information it contains to Congress, in the meantime we have informed the Secretary at War, who will imme-

* See page 364, and Col. Rec., Vol. XV., p. 514.

diately direct the Troops to proceed agreeably to their first destination.

We have the honor to be,
Sir, with great respect,
your most obedient,
and Humble Servants,
WM. IRVINE,
SAM. MEREDITH,
JOHN ARMSTRONG, Jr.,

Directed,
The Honble. Peter Muhlenberg, Esq.

Samuel Hodgdon to Council, 1788.

Philadelphia, August 13th, 1788.

Gentlemen,

In a Letter of the 11th instant, which I received Yesterday from the War Office, is the following Paragraph, viz: "I have to request "that you would immediately on the reception of this Letter, apply "to the Executive Council for an Express to take the inclosed "Letters to Easton. General Irvine is of opinion with me that "they will cheerfully be at this expence." The letters contain marching orders to the continental troops collected at that place, on the request of Council; and in full confidence that Council will pay the expence, I have sent off an Express to prevent further detention and expence. When the person employed returns, his Account shall be laid before your Honorable Board.

With respect and Esteem,
I am, Gentlemen, Your
most obedient Servant,
SAMUEL HODGDON,
Commis. of Mil. stores.

Directed,
Honorable Executive Council of Pennsylvania.

Secretary of Congress to Pres. Franklin, 1788.

Office of Secretary of Congress,
August 14th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed an act passed by the United States in Congress Assembled, the 12th of this month.*

With the greatest Respect,
I have the honor to be,
Your Excellency's
most obedient and
most hum. Servt.,
CHA. THOMSON.

Directed,

His Excellency, the President of the Commonwealth of Pennsylvania.

Hon. Francis Hopkinson to Council, 1788.

Gentlemen,

As Judge of Admiralty of the Commonwealth of Pennsylvania, I think it my Duty to present to your View a Circumstance which, as it seems to touch the sovereign Rights of the State, appears to me of Importance sufficient to merit the attention of your Honourable Board.

By an act of assembly, entitled, "An act for the further Regulations of the Port of Philadelphia and enlarging the Powers of the Wardens thereof," passed the 1st of April, 1784 the mode of issuing and executing Warrants of Survey on Vessels and Goods damaged or supposed to be damaged by Stress of Weather, accidents at Sea, bad storage, or other Cause is specified and designated, viz^{t}, By a Writ or Warrant from the Judge of Admiralty directed to the Wardens of the Port of Philadelphia for the Time being, or any two of them, who are to make report of their Proceedings thereon, which Report is filed in the Admiralty office, and the Parties requiring it are furnished with Copies of the original Report, certified by the Register & under the Seal of the Admiralty. And this certified Copy is admitted as Evidence in all foreign Countries where general Admiralty Law is recognized. According to this mode, hath such Survey hitherto been conducted.

On the 8th Instant, I was applied to by Nathaniel Lewis, Master

* See Col. Rec., XV., p. 515.

of the Brig Adventure, informing that he was lately bound from this Port of Philadelphia to Barbadoes, but meeting with damage at Sea was obliged to put back for Repairs, & requiring a Survey to be had on his Vessel—And a Writ was accordingly issued directed to the Wardens of the Port in the usual Form.

On the 20th, I received a written note from the Board of Wardens requesting my attendance at their Office, as they wished to converse with me on a matter which seemed to interfere with the Admiralty Jurisdiction. I attended accordingly, when I was informed that a Survey had been made on the Brig Adventure in Pursuance of my Writ, and they were drawing out their Report, when William Allibone, Esquire, one of the Board, received a Paper entitled a Warrant of Survey on the same Brig Adventure, directed to himself and Joshua Humphreys Ship Carpenter, dated the 15th Instant, purporting to be in Pursuance of a British Act of Parliament & signed P. Bond, Consul. This Paper the Board of Wardens put into my Hands & requested my opinion thereon.

As this is the first Instance of the kind that hath occurr'd, to my Knowledge, as no other foreign Consul hath claimed or assumed the Exercise of this universally acknowledg'd Branch of Admiralty Jurisdiction, and as I know of no Convention between the United States of America and the Court of London investing the British Consul with this Power: I thought it necessary to submit the matter to the Consideration of your Honourable Board, and for this Purpose I enclose the original Paper called a Warrant of Survey issued by Phineas Bond, Esquire, as Consul.

I have the Honor to be,
with all due Respect,
your Honour's most obedient
and most faithful Humble Servant,

FRAS. HOPKINSON.*

Philadelphia, August 21st, 1788.

Indorsed,

Read in Council August 22nd, 1788, and referred to the Honorable the Judges of the Supreme Court—and The Attorney General for their Opinion thereon.

Extract from the Minutes,
JAMES TRIMBLE,
for Charles Biddle, Sec'ry.

Directed,

His Exc'y the President & Hon'ble Supreme Executive Council.

* See Col. Rec., Vol. XV., p. 517.

Lt. James Marshall to Pres. Franklin, 1788.

Philadelphia, 22d August, 1788.

Sir,

From numerous applications by the fronteer Inhabitants, in the County of Washington, especially in that part of the County, where the famlies were killed last fall; I found it necessary early in the spring to order on duty, about twenty men, and to continue from time to time, nearly that number. As there has been no provision made for victualing our Militia when in actual service, I have been obliged to make myself liable for the greatest part, the Victualing Expended in that way, and in some Instances have been under the necessity of advancing Cash. I therefore hope your Hon'ble Board will make such provision as may be necessary for supplying the Militia that may be called into actual service, in future, as well as for paying the supplies already made.

I have the honor to be,
with the Highest respect,
your Excellency's most obd't
and very Humble Servant,
JAMES MARSHALL.
Lieut. W. Co'y.*

Directed,

On public service.

His Excellency, Benjamin Franklin, Esquire, President, Philadelphia.

* See Col. Rec., Vol. XV., p. 517.

RETURN OF OFFICERS ELECTED, &C., AGREEABLE TO THE MILITIA LAW OF THIS STATE, 1788.

A Return of Officers duly Elected and Nominated, agreeable to the Militia Law of this State.

Names.	Rank.	Battalion.	Company.	When Elected.	When Nominated.
Andrew Boyd,	Captain,	Artillery,	Fifth,	June 21st, 1788.	
Andrew Bowers,	Ditto, Lieut.,	Ditto,	Second,		June 23d, 1788.
Benjamin Bates,	Captain,	Seventh,	Eighth,	June 26th.	
John Harrison,	Captn. Lieut.,	Artillery,	Fifth,	July 5th.	
Jacob Clarkson,	Ensign,	First,	First,	Ditto.	
Henry Cook,	Lieutenant,	do.,	Fifth,	Ditto.	
John Murphey,	Ensign,	do.,	Fourth,	Ditto.	
Jacob Tice,	Lieutenant,	Seventh,	Eighth,	7th.	
Dennis Savage,	do.,	Sixth,	do.,		July 8th.
James Barclay,	Ensign,	First,	Second,		" 16th.
John Pierce,	do.,	Sixth,	Eighth,		August, 15.

City Philad^{a}, Lieu^{ts} Office, August 18th, 1788.

WM. HENRY, L^{t}.

Indorsed,

Read Augst 22—Commissons to Issue.

Directed,

The Honorable Supreme Executive Council of the State of Pennsyvania.

Circular of Council to Lieuts. of Counties, 1788.

(Circular.)
Secretary's Office,
Philadelphia, August 22d, 1788.

Sir,

I am directed by Council to desire you will send to them the "actual returns of all persons within your County made subject by "Law to the performance of Militia duties, together with a return "of the Persons who have actually attended on Muster days within "the years 1785, 1786, and 1787."—As these returns are wanted to be laid before the General Assembly at their next sessions, you are requested to send them as soon as possible.

I am, Sir,
Your obedient and very humble Servant,
CHARLES BIDDLE, Sec'y.

To the Lieutenants of the several counties.

Saml. Hodgdon to Sec'y Biddle, 1788.

Philadelphia, 23d August, 1788.

Sir,

The Arms at Carlisle are divided into parcels of One hundred each and are to be sold in lots. I will endeavour to comply with the wishes of Council by reserving the Number you mention, until the pleasure of the Legislature is known—or at all events to furnish them, if those offered for sale at Carlisle should command such a price as to induce me to dispose of the whole.

I shall however, be in Town again soon after the Assembly is convened and will certify Council more fully on the subject.

With esteem, yours,
SAMUEL HODGDON,
Commiss'ry Mil. Stores.

Directed,
Charles Biddle, Esq.

Robert Galbraith, &c., to Pres. Franklin, 1788.

Huntingdon, August 23d, 1788.

Sir,

With the utmost Regret we find ourselves Once more Under the disagreeable Necessity of Informing Your Excellency that Our part of the State is Still torn and distracted by the Machinations of wicked

and evil disposed persons. A few days after Our last letter to your Honourable Board from Messrs. Smith & Henderson, A party armed with Bludgeons, about twenty in Number, headed by Abraham Smith, William M'Cune & Samuel Clinton, the latter of them a most Notorious Rioter, came into the Town and violently beat Mr. Alexander Irwin, One of Our Citizens. Some of the Same Riotous party, whose names & persons we have Not been able properly to ascertain, have frequently, at night, assaulted Our Houses with Showers of Stones. Threats have been Sent from all parts of the County that Death—or what is to a man of feeling worse—Cropping Tarring, &c., should be inflicted On Us or any other Officer of the County who Should Attempt to put the Laws in Force. On Wednesday last about One hundred and eighty men collected from different parts of the County—Some few of the Townsmen among them, paraded the Streets, not with Muskets, as before, altho' we have Reason to believe they had a number Secreted. They were headed by William M'Elroy, Abraham Smith, John Smith & John Little, Esq., One of the County Justices, what their intentions were we know not. But hearing from many different Quarters that they were determined to destroy some of Us, We collected a few friends of Government and Some Arms and Met at the House of Benjamin Elliot, Esq. Our Sheriff Resolved, if any attack was made, to repel Force with Force, & to the Utmost defend Our Own Lives. This Salutary precaution, of which we are Satisfied, their Spies had given them Information, was without Doubt, the Reason of their Not committing any Violence that Day. After marching with Colours flying & Fifes playing thro' the town, they held, what they called an Election, at the House of William Kerr, for Members to meet in Convention at Louisburg, as we have been informed. At this Election they excluded from voting every One who did Not march with them, and admitted promiscuously every one who did. A number of Insults were thrown Out against the Government, but no personal Injury done.

To Your Honourable Board, as the Supreme Executive Power of the State, we apply for such Assistance in Support of Government, as to your Wisdoms shall seem proper.*

We are your most Obedient, Humble Servants,

ROBERT GALBRAITH,
THOMAS DUNCAN SMITH,
AND. HENDERSON,
BENJ'N ELLIOT.

Directed,

To His Excellency, The President of the Supreme Executive Council, Pennsylvania.

* See Col. Rec., Vol. XV., p. 536–542.

Phineas Bond to Sec'y Biddle, 1788.

Mr. Bond presents his Compliments to Mr. Biddle. He has been informed a Memorial from the Judge of the Admiralty,* has been presented to the Council, relative to some Proceedings in the Repairs of a British Vessel; the mode of which is directed by a British Act of Parliament, defining in Terms of precision, the Conduct to be pursued by the Consul, and by the Master of the Vessel.

If it be not contrary to the Orders of the Hon. Council, Mr. Biddle will confer a Favor upon Mr. Bond, by directing him to be furnished with a Copy of the Memorial.†

Second Street, Aug't 26th, 1788.

Directed,

Charles Biddle Esq., Secretary, to the Hon., the Supreme Executive Council of the Commonwealth of Pennsylvania.

Zeb. Butler to Pres. Franklin—Wyoming, 1788.

Wilksbarre, August 26, 1788.

Sir:

This may inform your Excellency and Council, that agreeable to request, I held the election of officers for the upper Battalion, and the enclosed are the persons who were chosen to command the Battalion and the several Companies, which compose said Battalion. John Jenkins and John Swift, by Esquire Gore, I am informed are out of the State; and it is pretty generally known, that they are making all possible preparations to remove their families. This circumstance, I thought necessary to mention that Council might give further directions for a new election. I would likewise Inform Council, that by the advice of authority, I held the last election in different places. The reasons why I adopted this method, were the inconveniency of the people's assembling at one place. This I suppose was not altogether conformable to the law regulating elections; but when I inform that the district is exceedingly lengthy; perhaps the method by Council, may not altogether be deem'd improper or ineligible. If it should be, your Excellency's and Council's pleasure will be, (I trust,) signified in the directions for holding another election. Also is enclosed the choice of Officers made by the light Draggoons and Infantry Companies. That election of the light Draggoons, was once before held; but as it was not perfectly consistant with law; I thought proper to assemble them again; which being done, they proceeded and ratified their former choice,

* See p. 375. † See Col. Rec., Vol. XV., p 520

by the uplifting of hands. If this shall be deem'd illegal, when directions are given, I shall summon the company to another election. In the meantime I have the honour to be, your Excellency's most obedient and very humble servant.

ZEB'N BUTLER.*

P. S.—Vacancies in the Companies of the lower Battalion are filled up, which are on the return; I would just mention those whose Commission were not sent on. Whether I shall proceed to call other election or not?

Z. B.

Directed,

To his Excellency, Benj'n Franklin, Esquire, Philadelphia.

Indorsed.—Read Sept. 1, postponed to the 3d.

Board of Treas'y to Delegates in Congress—Erie, 1788.

Board of Treasury, August 28, 1788.

Gentlemen,

The United States in Congress, having by their act of the 20th Instant, determined that no Reservations are in their judgment, necessary to be made on account of the United States, in a certain Tract of Land, contained in the interval betwixt a meridian Line, run between Lake Erie and the State of Pensylvania; and the Boundaries of the State of New York and Massachusetts. We beg leave to acquaint you that we accept your Proposal for the purchase of the said tract, on behalf of the state of Pennsilvania, as expressed in your letter of the 7th July, 1788.

We have the honor to be,
with great respect, Gentlemen,
your obedient humble Servants,

SAMUEL OSGOOD,
ARTHUR LEE.†

Indorsed,

Delegates proposal to the Board of Treasury, for the purchase of the Lake Erie lands; and the Boards acceptance of the proposal.

Directed,

To the Honorable the Delegates of the State of Pennsylvania.

* See page 385, and Col. Rec., Vol. XV., p. 525.
† See Col. Rec., Vol. XV., pp. 524, 528, 530.

Copy—Delegates to Board of Treasury.—Erie, 1788.

We the Delegates of the State of Pennsylvania, in compliance with instructions, and in virtue of powers, received from the said State, do hereby offer to contract (in behalf of the said State,) with the Honble Board of Treasury, for a tract of land belonging to the United States, contained in the interval betwixt a Meridian Line, run between Lake Erie and the state of Pennsylvania, and the Boundaries of the States of New York and Massachusetts, at the rate of three-fourth of a dollar per acre; payable in Gold or Silver, or in public securities of the United States, bearing interest; when the quantity ascertained by actual survey, in the manner prescribed by a Resolution of Congress, of the 7th of June, 1788.*

(Signed.) WM. BINGHAM,
JAMES R. REID,

True Copy,
SAMUEL OSGOOD,
ARTHUR LEE.
New York, July 7, 1788.

Opinion of Judges on an Admiralty Case, 1788.

To His Excellency the President, and the Honorable the Supreme Executive Council of the State of Pennsylvania.

We, whose names are under-written, have read & considered the Letter to You from the Judge of the Admiralty, dated the 21st instant,† and also the paper transmitted therewith, dated the 15th instant, and under the hand & seal of the British Consul, which have been referred to us for our opinion thereon; and now beg leave to report, that a due deference to the laws and usages of foreign Nations ought at all times to be paid, where they do not interfere with the municipal laws & jurisdiction of this State—That Commissions for the taking the depositions of witnesses, &c., have been frequently sent by our courts of justice to British subjects, Gentlemen in Office, Merchants and others in London & elsewhere, and in every instance complied with & executed—And that we do not discover in the present case, that the jurisdiction or rights of the court of Admiralty of this State have been violated.

The paper, purporting to be a warrant of survey, signed by the British Consul, is an Act, which it seems, is required to be done by the laws of Great Britain, and contains in it only a request, not a command. Upon the whole, we humbly conceive, that an indulgence

* See pp. 308, 381. † See pp. 375, 313.

of this sort may & ought to be permitted to all foreigners, for the ease and benefit of commerce, and the more especially to such who observe a reciprocity.

Philadelphia, August the 28th, 1788.

THOS. M'KEAN,
WM. BRADFORD, jun.

S. Powel, President Agricultural Society to V. P. Muhlenberg—Hessian Fly, 1788.

Sir,

I have just now received your Notification of the Desire of the Supreme Executive Council, to be informed of various Particulars relative to the Hessian Fly * The society for promoting Agriculture, to whom this Request is addressed, meets To morrow Evening, when this shall be laid before them. I have not a Doubt that they will most chearfully communicate every Information that they are possessed of relative to this destructive Insect.

I have the Honor to be, Sir,
your most obedt humble Servt.

SAMUEL POWEL.

September 1, 1788.

Directed,

The Honble. P. Muhlenberg, Esq.

Return of Field Officers elected—upper Battalion—in Luzerne, 1788.

A Return of Field & Company Officers, elected in the upper Battalion in the County of Luzern, 1788.

John Jenkins,		Lieut. Col.
John Swift,		Major.
Tioga Compy.	Soloman Bennet,	Capt.
	Lucas Detrick,	Lieut.
	John Depew,	Ensn.
Sheshequena Compy.	John Spalding,	Capt.
	Samuel Gore,	Lieut.
	Samuel Southworth,	Ensn.

* See Col. Rec., Vol. XV., pp. 523–526.

Wyasock Compy.	Roswell Frankling,	Capt.
	Jehiel Frankling,	Lieut.
	Isaac Strope,	Ensn.
Meshoping Compy.	Martin Dudley,	Capt.
	Joseph Kilburn,	Lieut.
	David Wooddward,	Ensn.
Tunkhannuck Compy.	Justus Jones,	Capt.
	Ebenezer Stephens,	Lieut.
	Joseph Arthur,	Ensn.
Wylusink Com p	Daniel Shaw,	Capt.
	Joseph Elliot,	Lieut.
	Stephen Durell,	Ensn.
Pitts Town Compy.	Jonathan Newman,	Capt.
	Henry Harding,	Lieut.
	Roger Searls,	Ensn.
Exeter Compy.	Peter Harris,	Capt.
	Thomas Harding,	Lieut.
	Oliver Harding	Ensn.

The foregoing is a true Return as made to me by the several Inspectors agreeable to Law.

Wilks-Barre, August 25th, 1788.

His Excellency the President in Council. { ZEBN. BUTLER,* County Lieut.

S. Powell, President of Agricultural Society, to V. P. Muhlenberg—Hessian Fly, 1788.

Sir,

The Philadelphia Society for promoting Agriculture, before whom I had the Honor of laying the Enquiries addressed to them by the Supreme Executive Council of Pennsylvania on the subject of the Hessian Fly, have directed me to assure your honorable Board that, from every communication made to them on that subject, they are decidly of opinion that it is the Plant of the wheat alone, that is injured by this destructive Insect—that what Grain happens to be produced from such plants is sound and good—and that this Insect is not propagated by sowing wheat which grew on Fields infested with it.

For the best Information, relative to the other Enquiries, the Society beg Leave to refer your honorable Board to the Penn-

* Col. Rec., Vol. XV., p. 525.

sylvania Mercury of June 8, September 14, 1787, & July 1, 1788 and to the Pennsylvania Packett of August 21, 1788.

I have the honor to subscribe,
myself, in the Name of the Society,
Sir, your most obedt. humble servt.

SAMUEL POWEL, Presidt.*

Philadelphia, September 3, 1788.

Directed,
Honble. P. Muhlenberg, Esqr., Vice President of the State of Pennsylvania.

Memorial of Inhabitants of Luzerne Co.—Wyoming, 1788.

To the Honorable the Representatives of the Freemen of the Commonwealth of Pennsylvania in General assembly met.

The Memorial & address of the inhabitants of the county of Luzerne,

Most respectfully sheweth,

That with the most honest intention we uniformly present our respectful Thanks to your honorable House for publishing a Bill confirming to us those seventeen townships which are named in the Bill.

We now look up to your honors as our fathers, Guardians and Protectors, to Pass said Bill into a Law and grant us the Priveledge to Devide said Lands among our self, agreeable to our Connecticut holding, which will not only save Cost to the State, but will give us the greatest satisfaction and enable us, if there should be any vacant rights, to Distribute the same to our fellow sufferers who are not comprehended in this Bill.

Thus will you increase the Inhabitants of this Great and Flourishing State, and will give Joy and comfort to the widow & Fatherless.

And we as in duty bound will ever pray,

Samuel Allen,	Benja. Roberts,
Nathaniel Chapman,	Samuel Bennet,
Josiah Kellogg,	Hezekiah Roberts, Jun.
Josiah Eves,	Jacob Roberts,
Joel Holkomb,	Jonathan Rogers, Jun.,
Daniel Ross,	Samuel Ayres,
Josiah Eves Junior,	John Doil,
John Knickerbacker,	Benj. Davis,

* See Col. Rec., Vol. XV., pp. 524, 526

Joel Atherton,	Thos. Bennet,
Eleanor,	———Alden,
James Bidlack,	———Alden,
Hezekiah Roberts,	Mary Cornstock,

Indorsed,

[Read 1 time Sept. 4, 1788, Read 2 time Sep. 9 & Refd. to the Grand Cmm^ee on the Wyoming bussiness.]

Secretary of Congress to Pres. Franklin, 1788.

Office of Secretary of Congress, Sep. 4th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed an act of the United States in congress asssembled, by which they relinquish aud transfer to the State of Pennsylvania the jurisdiction of the tract of land on lake Erie, which the State has agreed to purchase of the United States.*

With great respect,
I have the honor to be,
your Excellency's most obedient,
& most humble servant,
CHA. THOMSON.

Directed,

His Excellency, the President of the Supreme Executive Council of Pennsylvania.

Resolution of Congress—Erie, 1788.

By the United States in Congress assembled.

September 4, 1788.

Whereas it appears that the Board of Treasury in conformity to the act of Congress of the 6th June last,† have entered into a contract with the Delegates of the State of Pennsylvania in behalf of the said State, for the tract of land bounded east agreeably to the cession of Western territory, by the States of Massachusetts & New York, south by Pennsylvania, north & west by lake Erie—and whereas, the said tract is entirely separated from the other lands of the western territory, over which the jurisdiction of the United States extends; and whereas under these circumstances it will be

* Col. Rec., Vol. XV., p. 530.
† See pp. 308, 313.

expedient for the State of Pennsylvania to hold and exercise jurisdiction over the tract aforesaid, therefore

Resolved, That the United States do hereby relinquish, and transfer all their right, title and claim to the government and jurisdiction of the said tract of land, to the State of Pennsylvania forever: and it is hereby declared and made known that the laws and public acts of the said State shall extend over every part of the same tract to all intents and purposes as if the same had been originally within the charter bounds of the said State—provided that the inhabitants of the said tract shall be maintained in all the rights and privileges which other Citizens of the said State of Pennsylvania are now or may hereafter be constitutionally entitled to enjoy.

CHA. THOMSON, Sec'y.

Thomas Fisher to Council, 1788.

Gentlemen,

I find that much disputing and contention is carrying on concerncerning an Election held for Justices of the peace in the District where I Lived for a Great Length of time, and had the honour to hold that Commission for near about Eleven years, (all which doubtless will be Laid before your honours)—from my particular knowledge of the District and Information which I have from being since the Election different times amongst the people, I think it my Indispensible Duty (having my Lands & Children in the District) to mention a few things to your honours—first then I beg Leave to mention to your honours that the person now acting by your Commission has been Engaged in doing business as a Clerk or Conveyancer in the District for many years, bears an Unblemished Character, has spent time and been at Great pains many times to compose differences amongst his neighbours, and has dedicated part of his time to study the Law, and certainly can be of much Greater use Both to the district and county at Large in that Commission than any other in the district—and I would farther Inform your honours that it is the utmost difficulty to hold an Election of Like kind in that district, as there is a many small tenements in a town within the district, and often selling and buying, and removing from place to place, and having Joint Interests in houses & Lands, &c., that it is morally Impossible for Judges, Inspectors, & Constables to determine upon a day of Election who has the right of a free holder to vote, and it appears hard in a Land of freedom to devest or hinder any person to vote because his freehold is but small, or because it may be conceived he has not paid for his premises, or has not obtained his deed, as those sort of people has most to depend on the magistrate—from all which

I think your honours will be of my opinion, that hardly any Election of Like kind can be held amongst Ileterate country people but what will afford Ground of dispute. But from my particular Acquaintance with most part of the Judges, Inspectors and Constables, I have reason to believe that they acted with a fair and honest Intention, and I am certain that the person now in Commission will be satisfactory to the Greater part in the district—and if they should have another Election it may be subject to dispute, either that they were too scrupulous in admitting Votes, or otherwise, or perhaps some one or two may slip in who has not taken the oath of allegiance, so that the district will be kept in continual confusion, and without a magistrate, and perhaps only to Gratify an Individual or two, &c., these things I with the utmost difidence beg your honours attention to—as they are matters of fact which will be found so upon the strictest inquiry.

As also I conceive that where Judges & Inspectors not being acquainted with the Election Laws, and not being furnished therewith, may easyly mistake and prevent some who perhaps had a right, & admit others who had not, but I am well Informed that any Vote which appeared dubious was refered to a Magistrate who was present, and was taken or Rejected as he and they judged was according to Law—although perhaps they might have been Mistaken in some points, yet I am well convinced they meant what was just, honest & fair, &c.

I am, Dr Gentlemen,
with the utmost Respect & Concern,
your most obedient and very humble servant,
THOS. FISHER.

York Town, September 8th, 1788.

Directed,
To the honourable, the Supream Executive Council of Pennsylvania.
Favoured by Joseph Lilly, Esqr.

Report of Supreme Executive Council to Assembly.—Erie, 1788.

A Report of the Supreme Executive Council to the General Assembly of the State of Pennsylvania.

That they have negotiated with Congress for purchasing the land contained in the interval betwixt a meridian line run between Lake Erie and the State of Pennsylvania, and the boundaries of the States of New York and Massachusetts, at the rate of three quarters of a dollar per acre, payable in Gold or Silver, or in public Securities of the United

States, bearing interest, when the quantity is ascertained by actual survey in the manner prescribed by a resolution of Congress of the sixth of last June. As more fully appears by the accompanying instructions to our Delegates in Congress, of the fourteenth day of June last—their proposals to the Board of Treasury of the seventh of July —and the said Board's final acceptance of the Terms on the twenty eighth day of August last.*

An Estimate of other probable expenditures that may be incurred by the purchase is herewith presented, amounting to the sum of Nine hundred and fifty pounds.

To conclude the business with the United States, it now remains for the General Assembly to make the requisite appropriation of public securities, and to assign funds whence the other expences may be drawn.†

1788, Septr.

Estimate of Expense of the Lake Erie Lands, of the Six Nations of Indians, 1788.

An Estimate of the Expence that may probably attend the business of the Lake Erie Lands, if it should be directed to purchase the claim of the Six Nations of Indians.

Supposed price in various suitable articles amounting 1000 Dollars,*	£375
Provisions of different kinds,	100
Charges of Waggonage, Boat hire, &c.,	150
Pay of Commissioners, hire of Interpreters, Runners, &c.,	250
Presents to the Great Men,	75
	£950

V. P. Muhlenberg to Speaker of Assembly—Erie, 1788.

In Council,
Philadelphia, September 8th, 1788.

Sir,

By direction of the Board,§ I do myself the honor to transmit you, for the Consideration of the General Assembly, An Act of Congress

* See pages 382, 383.
† See Col. Rec., Vol. XV., pp. 528, 530, 532.
‡ See page 245.
§ See Col. Rec., Vol. XV., p. 530.

passed the fourth instant,* by which the United States relinquish and transfer to the State of Pennsylvania all their Right, Title and Claim to the Government and Jurisdiction of the Tract of Land on Lake Erie, which the State has agreed to purchase of the United States.

By accounts received from Pittsburgh, a pacific disposition is manifested on the part of the Indians, and there is now reason to expect a large meeting of the Northern and Western Tribes at Muskingum, to hold a Treaty with the Continental Commissioners. This favorable opportunity ought not, in the opinion of Council, to be missed —For altho' the quantity of Land in the Triangle purchased from the Board of Treasury cannot be ascertained with precision before the necessary lines are run agreeable to the Act of Congress of the sixth day of June last, yet, as a great part of the Expence attending Treaties with Indians is incurred by collecting and furnishing them with provisions; charges which, in this Instance, may be avoided.

Council, therefore, earnestly recommend the appointing Commissioners on the part of this State to attend the ensuing Treaty for purchasing from the Indians who may appear to have just Claims to the same, the whole of the Triangle aforesaid, as nearly as the bounds of the same may be ascertained by the best information which can be now obtained.

I have the honor to be,
with great Respect, Sir,
Your most obedient and
very humble Servant,
P. MUHLENBERG.

Directed,

Honorable Thomas Mifflin, Esquire, Speaker of the General Assembly.

Indorsed,

Read I time Sept. 9, 1788. Read 2 time, & refe^{d} to Mr. Lowry, Mr. Irwin & Mr. Findley.

V. P. Muhlenberg to Brig. Gen. Josiah Harmar, 1788.

In Council,
Philad^{a}, Wednesday, September 9th, 1788.

Dear General,

Your favor of the 30th of June† has been for a considerable time under consideration of the Board, but owing to the embarrassment The Executive labor under by the depreciation of the paper Curr^{y},

* See page 387. † See page 325.

we found that to comply with your request, relative to the Money allotted for the recruiting service, it was absolutely necessary we should lay the matter before the House. This has been done, & the result I shall do myself the Honor to communicate as soon as the House determine.

Agreeably to your recommendation, The Board have appointed R. Allison Surgeon to your Regt, & J. F. Carmichael, Mate. The Board seem still to adhere to their former determination relative to the dispute of Rank between Ziegler, Ferguson &c., as They do not consider the Troops rais'd by virtue of the resolution of Congress of the 3d of June 1784, as Militia.

The hurry of business occasioned by the meeting of the House, &c., prevents me from saying more on the subject at present—I shall do myself the Honor to write you fully in a few days.

I have the honor to be,
with great Respect, your most
obedient and very humble Servant,
PETER MUHLENBERG,
V. President.

Honorable Brigadier General Harmar.

V. P. Muhlenberg to Gen. St. Clair—Western Territory, 1788.

In Council,
Philadelphia, Wednesday, Septr 9th, 1788.

Sir,

I am directed by The Board to acknowledge the Receipt of your Excellency's Letter dated at Fort Harmar, July 24th, containing an account of the attack made on the Continental Troops stationed at the Falls of Muskingum, by a party of Indians.

The General Assembly will probably meet, & proceed to business this day—your Letter, together with the resolutions of Congress by which They provide for the defence of the Frontiers, will be laid before the House immediately; & we flatter ourselves such measures will be adopted as will fully answer your wishes; as soon as this measure is completed, I shall do myself the Honor to give you immediate information.

With the highest respect & Esteem,
I have the honor to be your obedient
and very humble Servant,
PETER MUHLENBERG, V. P.

His Excellency Arthur St Clair, Esquire, Governor of the Western Territory.

Resolution of Assembly—Purchase of Powder Magazine, 1788.

State of Pennsylvania.
In General Assembly,
Friday, September 12, 1788—A. M.

The House resumed the consideration of the report on that part of the Message of Council relative to the Gun powder Magazine, postponed September 9th, and in debating the following resolution, viz^{t}:

"Resolved, That the Supreme Executive Council be requested to "consider of a spot suitable for a Gun powder Magazine without the "city of Philadelphia, and at a safe distance from it—And to nego-"ciate the purchase."

On the question, "Will the House adopt the said resolution?" It was carried in the Affirmative.

Extract from the Minutes,*

J. SHALLUS, Ass^{t} Cl'k.

In Pursuance with the foregoing Resolutions, the Committee of Council aforesaid hereby give public Notice that proposals will be received from any Person having suitable Ground to dispose of for the Purpose above mentioned, between the Hours of 9 and 12 in the forenoon, on week days, at the Council Chamber, in the State House, when proper times will be appoined to view the Ground so offered to sale.

Deposition of William Smith, 1788.

Luzerne County, ss.

September 13th, 1788.

Personally appeared before me, Mathias Hollenback, one of the Justices of the Peace for the said County, The person of William Smith, and being duly Sworn, Deposeth and saith, That he, this Deponant, on the 27th of June Last, that he, this Deponant, Being one of Capt. John Paul Schoots company of Light Dragoons, on an Expedition up the River Susquehannah in order to retake Colo. Timothy Pickering from the Insurgents, He, this Deponant, often Urged said Capt. Schoots to be more Expeditious on his March, or else this deponant feared they would not come up with the Insurgents. Schoots replyed to this Deponant that he had no inclination to be in too much of a hurry, for he feared the insurgents would be too Strong for them, He chose to delay his March untill the Company of foot

* See Col. Rec., V. XV., p. 535.

came forward. Captain Schoots went no further than Jones that night, which was about Sixteen miles from Wilkesborrogh, and this Deponant further saith that the could have easy went 30 miles where the party lay that Night that took Col. Pickering. This Deponant and many others of the Company, urged said Schoots to push on to Tanckhannock, where the insurgents lay that night, which he expressly refused to do; and this Deponant further saith that said Schoots delayeth the March untill nine or Ten o'Clock the next day, (which was the 28th of June) Then, on the said day, Capt. Schoots Delayed the March as before, (the foot not Coming up) and this Deponant continued to urge Capt. Schoots to be more expeditious, Then Schoots reply'd to this Deponant that they must do something and make a bluster, In order to satisfy Government, if they went but a few miles after them it would be sufficient, for Government would not know but they had done their Endeavours to take them, and that they're turning out and making a Bluster would gain the Company a great name; and further this Deponant saith not.

WM. SMITH.

Sworn to and subscribed this
13th day of September, 1788.
Before me,
MATHIAS HOLLENBACK.

Deposition of John Hollenback, 1788.

Luzerne County, ss.

The 13th day of Sept., 1788, before me, the Subscriber, one of the Justices of the Peace for said County, Came John Hollenback, and was Duely sworen according to Law, Deposeth & Saith that he, the Deponent, ware in Company with Capt. John P. Schoot, whome at said time Commanded a Company of Light Dragoons, and then had his Company on Parade, to Pursue a Number of Royetous Persons whome Had taken and Conveyed away the Body of Timothy Pickering, Esq. I seeing, as I thougt, Neglect in said Schoot as to the Expedition, and also made Mention to Capt. Schoot that I thought by Appearance that the Expedition would be of Small Event, Whereupon said Schott Carelesly Cast his head about and Said it would answer for a Show to the State, whereupon the Deponent Turned his Back and further Saith not.

JOHN HOLLENBACK.

Sworn & Subscribed the Day above Written, before me,

WM. HOOKER SMITH,
Justice of the Peace.

Resolutions of General Assembly—Erie, 1788.

State of Pennsylvania, In General Assembly,
Saturday, September 13th, 1788. A. M.

The House resumed the consideration of the report on that part of the Message relative to the purchase of a tract of Country on Lake Erie, and adopted the same as follows, viz.,

The Committee to whom was referred the Letter from the Vice President and the Supreme Executive Council, respecting the purchase of the triangular Piece of Land lying between the Western line of New York, the Northern line of Pennsylvania, and part of Lake Erie, including the whole Country within the said boundaries lately made by Council thro' the Delegates of the State of the United States in Congress assembled, beg leave to report,

That they have deliberately considered the said Letter and the papers accompanying the same, and have thereupon conferred with Council on the subject Matter thereof.

That your Committee are of opinion that the purchase made by Council is advantageous to this Commonwealth, and should be confirmed by this House.

That it will therefore be necessary to provide adequate Funds for complying with the Contract and making the purchase of the Country from the Indians, agreeably to the Policy and Justice which have ever marked the Conduct of Pennsylvania in such Cases.

That as a Treaty is now about to be held with the Indians at Muskingum, it will be proper and œconomical to take advantage of this Circumstance to make overtures at least to, and if practicable to compleat the purchase of the said Country from, the Savages, The Expence and delay of a particular Treaty for so small an object will hereby be avoided.

That in order to ascertain as nearly as might be the quantity of Land which was the subject of the Contract, your Committee requested the attendance of Mr. Ellicot, an intelligent person and well acquainted with that Country. But as the meridian Line forming the Western Boundary of New York is not actually run, the Quantity cannot, with any degree of accuracy, be ascertained. On an estimate, calculated on the supposed place of the said meridian in a point of the Northern Line of Pennsylvania the most favorable to the pretension of New York, there appear to be about one Million of Acres contained within the Boundaries of this Purchase. Wherefore your Committee are of opinion that the following Resolution be recommended to the Consideration of the House.

Resolved, That this House accept, on the part of this Commonwealth, the Contract made with the Board of Treasury of the United States by the Supreme Executive Council of this State, thro' the Agency of the Delegates of this State in Congress, as mentioned in the proposals of the said Delegates, dated the 7th day of July, in the

present year, referring to a resolution of Congress of the sixth June* in the same year, being the resolution of Congress intended to be recited in the said Contract, which proposals were accepted and agreed to by the said Board of Treasury on the twentieth day of August last past, on the part of the United States, the said proposals and acceptance relating to a triangular Piece or Tract of Country situate, lying and being on Lake Erie, bounded on the East by a meridian Line, part of the Western Boundary of the State of New York, on the South by part of the Northern Boundary of the State of Pennsylvania, being a continuation of the Line between this State and that of New York from the Western Boundary of the said State till it intersects the said Lake Erie, and thence by the said Lake, including Presque Isle, and running North Easterly, or as the Margin of the said Lake runs, according to the several Courses thereof, [with all Benefit, Property and Advantages of the Coasts, Bays and Inlets on and near that part of the Margin of the said Lake which is the Boundary of the Country herein described or intended so to be] till it meets the said meredian Line before mentioned, and the said Contract and agreement is hereby confirmed, ratified and agreed to by and on the part of this State.

That it is hereby recommended to the succeeding House of Assembly of this Commonwealth to provide Certificates of Debts due from the United States—fully to pay and discharge the Consideration Monies due agreeable to the said Contract, at three-fourths of a dollar per acre, according to the terms of the said Contract, so soon as the same Land shall be surveyed and the quantity ascertained in the manner prescribed by the resolution of Congress of the sixth of June last, and the said before described Tract conveyed to this Commonwealth.

That the Supreme Executive Council be, and they are hereby authorized and fully empowered to take the Necessary Steps for purchasing of the Indians—who have just Claims thereto the said Tract of Country, and for this purpose to appoint, when they may think necessary, two persons as Commissioners to negotiate and compleat the said purchase.

Resolved, That the Supreme Executive Council be, and they are hereby authorized and empowered to draw on the Treasury of this State for a Sum not exceeding Nine hundred and fifty pounds for the purpose of making the purchase of the Indians of the said Tract and bearing all Expences of the same, agreeably to an Estimate by the said Council, communicated to this House. That as there is a pressing Necessity of immediately raising the said Nine hundred and fifty pounds, the Committee of Ways and Means be, and they are hereby directed to report the best and Speediest Mode of procuring and paying to the order of the Supreme Executive Council the said sum. Extract from the Minutes.

J. SHALLUS, Ast. Cl'k.

* See pp. 308, 382, 383.

Capt. John P. Schott to Council, 1788.

The Honorable the Supreme Executive Council.

Gentlemen,

Having been honoured by you with a Commission to Command a Troop of Light Dragoons in the County of Luzerne, for which I return your Honours my greatfull thanks, and your Honours may be asured that with the utmost of my appillity I shall indeavour to promote peace and good order in said County, but one difficulty arises, the Troop is not armed yet and can't possible get armed untill next spring, being informed that the Honorable the Supreme Court will set in said County of Luzerne about the beginning of November next to try John Franklin and others, and it would perhaps be of great Service if the Troop was armed to meed the judges and ascord them to Wilksbarre and perhaps it may be necessary to keep a gaurd to prevent Riots and disorders. I should therefor request of your Honorable Board to furnish me with about twenty pair of Pistols and Swords, a Stantart and Drumbit out of the Public Store and I will ingage to be come accountable for the same. Your complyance will not only be of important service in said County but will inable them to be Immictiate at your Honours Service on all other ocation.

Gentlemen, I am with the
greatest Esteeme your most obi't
and most humble Servant.

JOHN P. SCHOTT.

Philadelphia, Sept. 15th, 1788.

Indorsed,

Write to Mr. Biddle and request him to furnish Captn. Schott with the within Articles on loan.—Captain Schott to return them when called for.

Vice President Muhlenberg to Assembly, 1788.

In Council,
Philadelphia, September 17th, 1788.

Sir,

By direction of Council, I do myself the honor to transmit you for the Consideration of the General Assembly. A Memorial from Messieurs Turnbull Marmie and Compy, Merchants of this City—Two letters, the one from Charles Thomson, Esquire Secretary of Congress, inclosing a State of the Representation in Congress for the months of June July and August 1788—and the other from The Honorable Samuel Johnston Esqr., President of the Convention of

the State of North Carolina inclosing two Resolutions of the said Convention, together with a Letter from His Excellency Arthur St. Clair Esq^r, Governor of the Western Territory dated the 2nd instant which is just come to hand.*

I have the honor to be with great respect

Your most obedient and very humble Servant

P. MUHLENBERG.

Directed,

Honorable Thomas Mifflin Esqr., Speaker of the General Assembly.

Vice President Muhlenberg to Assembly, 1788.

In Council. Philadelphia, September 22nd, 1788.

Sir,

The inclosed Letter from Cha's Thomson, Esquire, together with an^s Act of the United States in Congress passed the 10th instant.† The Board direct me to transmit to you for the Consideration of the General Assembly.

I have the honor to be with

great Respect, Sir, Your most

obedient and very humble Servant

PETER MUHLENBERG, V. P.

Directed,

Honorable Thomas Mifflin, Esq'r., Speaker of General Assembly.

Resolution of General Assembly—Doane, 1788.

State of Pennsylvania.

Tuesday, September 23d, 1788. P. M.

On motion of Mr. Fitzsimons seconded by Mr. Peters

Resolved that a committee be appointed to confer with Council on the case of Levi Doan and Abraham Doan and to request a respite of their execution for Six days.‡

Ordered, That Mr. Fitzsimons, Mr. Lewis and Mr. Rittenhouse be a committee for the purposes contained in the foregoing resolution.

Extract from the Minutes.

J. SHALLUS, A. Clk.

* See Col. Rec , Vol. XV., p. 537.

† For preventing importation of foreign Malefactors.—See Col. Rec , Vol. XV., p. 543.

‡ See Col. Rec., Vol. XV., p. 544.

Col. Timothy Pickering to Pres. Franklin, 1788.

Philadelphia, Sept. 24, 1788.

Sir,

Captain William Ross is in town, & has been waiting since Friday for an opportunity of presenting to Congress several orders for the rewards offered for apprehending the ruffians who seized and kept me a prisoner; and for the information of Council, I beg leave to state the cases in which the rewards are now claimed.

Ira Manvil & Benedict Satterlee were two of the fifteen men present at the taking me off. They have been indicted, & pleaded guilty They were apprehended by the five persons named in Doctor Smith's certificate. Manvil & Satterlee were the only persons who in consequence of the proclamation of Council were committed to Easton Jail. That others, however, were not alike committed, was not the fault of their captors. The majority of the Justices did not think it necessary or expedient; and as the object of Council must have been only *to secure the persons of the offenders*, it was suposed by a construction of the proclamation, that the captors would be equally entitled to the rewards as if the offenders were actually committed to Easton Goal.

Benjamin Earle was apprehended by a party of about twenty men, who chose Gideon Church for their captain. This Earle was also of the party that took me. He offered to turn State's evidence; and being admitted as such by the Justices, was not conveyed by his captors to Easton Goal.

Thomas Kinney was apprehended by the party commanded by Captain Ross, but was not present with the party that took me; but there is evidence of his joining them in arms. However, he has pleaded not guilty, & is to be tried.

The four culprits above named were apprehended before it was known that rewards were offered.

Stephen Jenkins was apprehended by the last party, formed after the proclamation of Council was issued. Of this party were Christian G. Oehring, Willm. Smith, James Sutton, John Tuttle, & others. But Stephen Jenkins has pleaded *not guilty*, & for him the reward does not appear to be due before conviction.

Joseph Dudley also was apprehended after the proclamation of Council was published. Captain Rosewell Franklin (captain elect of a company of militia about Wysocks) raised a part of his company, &, joined by John Tuttle, lay in wait for a party of the offenders, but all save Dudley, effected their escape. He refusing to surrender, Captain Franklin & some of his men fired & mortally wounded him. He was brought to Wilksbarre, & died a day or two after.

Aaron Kilborn is a lad of about 15 years old. He joined the armed party after I was taken—has been indicted, & pleaded guilty. The manner of his being apprehended (which was about the 15th of August,) is certified by Doctor Smith.

As some disputes may arise about the persons entitled to shares of rewards, I beg leave to suggest, whether it may not be expedient to order the monies to be paid to Captain Ross, *for the use of the persons to whom the same are due;* and to advise, that in case of dispute, the claims be heard & adjusted by any three of the Justices of the peace of the county.

I beg leave to add—That Captain Ross, since the first introduction of the laws of this State into the county of Luzerne, has manifested a uniform zeal to support the government of Pennsylvania, and a readiness to expose himself to any hazards which the welfare of the State could demand of a spirited & faithful citizen. Besides the loss of time occasioned by the wounds he received in pursuing the offenders now referred to, he has incurred an expence of upwards of eleven pounds, which his surgeons have charged for their attendance on him. But what is most unfortunate, he, by these wounds, is probably rendered *an invalid for life*. It would seem to merit the consideration of Council whether a reward should not be given him, not only as due for his exertions & consequent sufferings; but as an exemplary encouragement to other spirited & faithful citizens to engage in hazardous enterprizes when the peace & welfare of the State shall demand it.

I have the honor to be Sir,

very respectfully,

your most obedt. servant,

T. PICKERING.*

Directed,

His Excellency, the President of Pennsylvania, in Council.

Memorial of William Smith, &c., 1788.

To the Honorable, the Supreme Executive Council of the Commonwelth of Pennsylvania, in Council met.

The memorial of William Smith, John Gore, Benjamin Durance, & John Tuttle, & Daniel Ross, Inhabitants of Wioming, in the county of Luzern, in the State of Pennsylvania.

Humbly sheweth,

That your petitioners were the only Persons that took & made Prisoners of Benedict Satterly and Irey Mandwell, two men who were of the Party which took Coronal Pickering Prisoner. The said

* See Col. Rec., Vol. XV., p. 546, 547, 548.

Sattely & Mandwell we Brought before William Hooker Smith, Esqr., & Timothey Pickering, Esqr., for Examenation & Commitment, whare they Confessed Gilty & ware by a mitemas Committed to the Gaol at Wilksbury under the hand & Seale of Esqr. Smith. Some time after thare commitment the Goal in this County was by the athorety thought to be Insufficent. The athorety then ordered the Prisoners to be Removed to Easton Gole, In Northampton, from whence they have since been Braught to our Last Court in this County, whare Bills of Indictment have bin found against them by the Grand Jury, which we Expect will more fully appear by copies of the Records from this Cort.

We your morilests humbly conceive that your Honors will be convinsd when you come to hear Captn. Ross's Reports Concearning this mattor, & our Conduct in this Struggle, that we are only Intitled to the Rewards offered by Government for the said Satterly & Mandwell, & we Do Expect Coronal Pickering will be in Town with Captin Ross, & will be able to Testefye In Regard to our Conduct, & we as in Duty Bound shall Pray

Captn. Ross Receipt shall be Excepted by

WM. SMITH.
JOHN GORE,
JOHN TUTTLE.
BENJAMIN DORANCE.

Wioming, Septr. 13th, 1788.

This ma Certefye That Wm. Smith, John Gore, Benjamin Dorance, & John Tuttle, Have to the Best of my Knoledge Turned out on Every Scout (to oppose & Persue the Insurgents) as Loyal Subjects.

WM. HOOKER SMITH.

Wioming, Septr. 13th, 1788.

Sir,

Gideon Wostenhout Gave me an order to Council, as he Expected me to go to Philadelpa. to Receive the Reward offered for Aron Kilborn. I have Lost the order, I hope you will Indeavor to Git the money.

WM. HOOKER SMITH.

Septr. 13th, 1788.

Directed,
To Captn. Wm. Ross.

Septr. 13th, 1788. This may Certefye that I Granted a warrant against Aron Kilborn to Gid^{n} Wostenhout, Constable, he, said Wostenhout, & an other man took the sd. Kilborn & Brought him before me for Examenation, & he being found Gilty of Takeing up arms against the State, & in violation of the Laws, & In Keeping Coronal Pickering in the woods, & a bill has since bin found against said Kilborn by the Grand Jury, Testefyed by me.

WM. HOOKER SMITH.
Justice of the Peace.

Vice President Muhlenberg to Assembly, 1788.

Philadelphia, September 25th, 1788.
In Council,

Sir,

Colo. Pickering, on behalf of Capt. Wm. Ross, having prefer'd a claim which Council presume will merit the attention of your honorable House, it is with no small pleasure I transmit the purport of it as express'd in that Gentleman's letter.

I have the honor to be
with great respect your most obedient,
and very humble servant,
PETER MUHLENBERG,
V. P.

Directed,

Honorable Thomas Mifflin, Esqr., Speaker of the General Assembly.

Return of Commissioned Officers of Militia, Westmoreland County, 1788.

Return of the Commissioned officers of the Battallion of Militia, in Westmoreland County, commanded by A. Tannehill, Lieut Col. July 10th, 1788.

No.	Names,	Rank,	Segniority of Rank,
1	John Irwin,	Captain,	1st in Command,
2	Jeremiah Murry,	Ditto	2nd Ditto
3	Thomas Sampson,	Ditto	3rd Ditto
4	Nathaniel Points,	Ditto	4th Ditto
5	James Morrison,	Ditto	5th Ditto
6	William Tilton,	Ditto	6th Ditto
7	Abdiel McClure,	Ditto	7th Ditto
8	David Watson,	Ditto	8th Ditto

No.	Names,	Rank,	Segniority of Rank.
1	James Todd,	Lieutenant,	1st in Command,
2	George McDowel,	Ditto	2nd Ditto
3	Richard Cunnigham,	Ditto	3rd Ditto
4	James Kerne,	Ditto	4th Ditto
5	John Craig,	Ditto	5th Ditto
6	David Irwin,	Ditto	6th Ditto
7	William Dunning,	Ditto	7th Ditto
8	John Scull,	Ditto	8th Ditto
1	Aquilla Punteny,	Ensign,	1st in Command,
2	James McWilliams,	Ditto	2nd Ditto
3	Oliver Ormsby,	Ditto	3rd Ditto
4	William J. Miller,	Ditto	4th Ditto
5	George Cochran,	Ditto	5th Ditto
6	John Thompson,	Ditto	6th Ditto
7	James Wray,	Ditto	7th Ditto
8	William Earles,	Ditto	8th Ditto

Adamson Tannehill, Lieut. Colo.
Samuel Ewalt Major.

The above is a true State of the officers of the above Battallion.

A. TANNEHILL, Lt. Col.

———

Return of Non-Commissioned Officers and Privates, in Battalion of Militia in Westmoreland County, 1788.

Return of the Non-Commissioned officers & privates in the Battallion of Militia in Westmoreland County, Commanded by, Lieut. Col. A. Tannehill, Pittsburg 10th, 1788.

Companies,	Serjeants,	Corporals,	Drum,	Fife,	Rank & File
Captain Irwins,	3	3	1	1	49
" Murry's	3	3	1	1	81
" Sampson's,	3	3	1	1	77
" Point's,	3	3	1	1	103
" Morrison's	3	3	1	1	46
" Tilton's,	3	3	1	1	63
" McClure's,	3	3	1	1	98
" Watson's,	3	3	1	1	70
	24	24	8	8	587

I do certify that the above is a just return of the Battallion under my Command, agreeable to the returns of the different Captains, Given under my hand this 10th day of July 1788.

Pittsburg. A. TANNEHILL, Lt. Col.

Return of Arms and accoutrements for Battalion of Militia, Westmoreland County, 1788.

Return for Army accoutriments &c., for the Battallion of Militia in Westmoreland County Commanded by Lieut. Col. A. Tannehill, Pittsburgh 10th July 1788.

Drums,	8
Fifes,	8
Colours,	2
Standard,	1
Muskets,	651
Bayonets,	651
Bayonet Belts,	651
Cartg. Boxes,	651
Flints,	651
Blank Catridges,	8463

John Nicholson to Vice President Muhlenberg—Mud Island, 1788.

Compt. Gen[l]. Office, Oct. 2d, 1788.

Sir,

That part of the banks of Mud Island extending from the south east corner of the stone wall round westwardly to the southwest corner thereof is per contract with the tenant to be maintained at the public expence It now needs repairs, and the foundation of the stone wall will be injured, as well the tenants property suffer unless it be done speedily. Several persons of Jud't conceive it would be best to have piers fixed to be filled in with earth around a part of it, and some proposals have been made by Mr. Connaroe if this should be deemed proper I herewith inclose proposals. The present tenant wishes to be enployed at the bank as per his letter herewith.

I am, Sir, your most obed't Servant.

JOHN NICHOLSON.

Directed,

The Hon'ble The Vice Presid't in Council.

Respected friend I have examined the old Ambuzieres which is very much washed I think 600 feet will be necessary to be wharfed 5 feet high, the same to be done with good Logs 2 feet and half on the top, good white oak or hart pine with sufficient Ties inside Logs from Scantlin to make the work good and Substantial

with filling the same for three Hundred and fifteen pounds gold or silver money the Currency of Pennsylvania, with Indulgence to use the Stone on the wharf and other refuse Stone for sinking said wharf. Please to let me know by the first convienent Opportunity Thy Compliance will oblige thy friend

Septr. ye 3d, 1788. THOMAS CONNARROE, SEN.

COPY OF COMMISSION TO GEN. RICHARD BUTLER & GEN. JOHN GIBSON—INDIANS AND ERIE, 1788.

Pennsylvania *ss.*

In the name and by the authority of the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council of the said Commonwealth To General Richard Butler and General John Gibson

Whereas the right to the Soil and Jurisdiction of the Triangular piece or tract of Country which lies adjoining lake Erie and the Northern Line of Pennsylvania is now vested in this Commonwealth by virtue of a purchase of the same from the United States—*And whereas* by a resolution of the General Assembly dated the thirteenth day of last month this Board is authorized and empowered to appoint Commisssioners to negotiate and complete the purchase of the same Tract of Country from the Indians who have just claims thereto agreeably to ancient usage. *Now know ye* that we reposing especial trust and confidence in your integrity, prudence and ability have nominated constituted and appointed you the said Richard Butler and John Gibson our Commissioners giving and granting to you full power and authority for and in behalf of the Commonwealth to meet with the said Indians and to purchase from them agreeably to ancient usage the Tract or piece of Country before described hereby promising to hold valid whatever shall be agreed and concluded upon by you our said Commissioners agreeably to the said Resolution of Assembly and our Instructions.*

Given in Council under the hand of The Honorable Peter Muhlenberg, Esquire, Vice President, and the seal of the State at Philadelphia this third day of October in the year of our Lord one thousand seven hundred and eighty eight.

Attest.

* See their instructions in Col. Rec., Vol. XV., pp. 554, 582.

Capt. James McLean to Pres. Franklin, 1788.

Sir, Philadelphia, October 3d, 1788.

The debilitated State of the Invalid Guards doing duty under my command, and the approaching season induces me to lay before your Excellency & the Honorable the Council their particular wants, as specified in the return of Clothing presented the 30th alto. The Corps in General are in great need of Watch-coats, Blankets, Bed-caps, Woolen-gloves & Night-caps all which articles are highly necessary to enable them to do the duty those cold nights, more especially as they are much afflicted with the pains of their old wounds and other disorders contracted in the field. I would therefore beg leave to solicit your Hon'ble body to grant them such necessary relief as may appear to them adequate to their present necessities as some of them are entirely destitute of the above mentioned articles.

I have the honor to be,
Sir, with great repect
your Excellencies
most ob't h'ble Serv't
JAMES McLEAN,
Capt. com'g. P. I. G's.*

Directed,
His Excellency Benjamin Franklin, Esq'r, President in Council.

Resolution of General Assembly—Commissioner of Accounts, 1788.

The Committee to whom was referred the Message of the Vice President and Council of the 29th Inst., together with a letter of the same date from the Comptroller General, Report,

That they consider it highly important that the Accounts of this State with the United States should be adjusted and settled, and that a suspension of the powers of the Commissioner now acting under the Authority of Congress for that purpose, would have the effect of protracting such settlement.

The Committee nevertheless do not apprehend that the said Commissioner would be warranted in proceeding on this business after the time for which his appointment shall expire, and that an offer on the part of the State to defray the expence of such commissioner, might create a Jealousy that he acted under the influence of the State,

* See Col. Rec., Vol. XV., p. 556

They therefore recommend the following resolution :

Resolved,

That the Supreme Executive Council be requested to apply to the Congress of the United States, to continue the present Commissioner for settling the account of this State with the United States, for six Months beyond the time at which his present appointment shall expire.*

The foregoing is a true copy of the Report of the Committtee as adopted in General Assembly, Saturday, October 14th, 1788.

PETER Z. LLOYD, Clerk of the General Assembly
of the Commonwealth of Pennsylvania.

Directed,

For the honorable The Supreme Executive Council.

JOHN ARMSTRONG JR., TO VICE PRES. MUHLENBERG, 1788.

Dear Sir,

You will oblige me and the other Gentlemen in the delegation by sending, as soon as possible, a copy of the late Act of the Gen. Assembly for appointing Electors, &c., &c.

The recollection I have of it leads me to think that there is in it some deviation from the Resolution of Congress of the 13th ult. Should my conjecture be founded we must endeavor to obtain some dispensatory resolution here. The deviation, I suspect, relates to the Time of appointing them.

I enclose you a copy of the Resolution of Congress, & am with great respect,

Your most obedient & very humble servant,
JOHN ARMSTRONG, JR.

N. York, 9th October, 1788.

Directed,

Honorable Peter Muhlenberg, Vice President, &c., Philadelphia.
Free. J. Armstrong, Jr.

By the United States in Congress assembled.

September 13, 1788.

Whereas the Convention assembled in Philadelphia, pursuant to the Resolution of Congress of the 21st February, 1787, did, on the 17th of September in the same year, report to the United States in

* See Col. Rec., Vol. XV., p. 558.

Congress assembled, a Constitution for the People of the United States; whereupon Congress, on the 28th of the same September, did resolve unanimously, "That the said report, with the Resolutions and Letter accompanying the same, be transmitted to the several Legislatures in order to be submitted to a Convention of Delegates chosen in each State by the people thereof, in conformity to the Resolves of the Convention made and provided in that case." And whereas the Constitution so reported by the Convention, and by Congress transmitted to the several Legislatures, has been ratified in the manner therein declared to be sufficient for the establishment of the same, and such Ratifications duly authenticated have been received by Congress, and are filed in the Office of the Secretary—therefore,

Resolved, That the first Wednesday in January next, be the day for appointing Electors in the several States, which before the said day shall have ratified the said Constitution; that the first Wednesday in February next, be the day for the Electors to assemble in their respective States, and vote for a President; and that the first Wednesday in March next, be the time, and the present Seat of Congress the place for commencing Proceedings under the said Constitution.

Vice Pres. Muhlenberg to Delegates in Congress.

In Council, Philadelphia, October 9th, 1788.

Gentlemen,

By the direction of the Board I have the Honor to inclose you a Resolution of The General Assembly passed the 4th instant, whereby They direct this Board to make application to the United States in Congress, & to request that the time for which the Commissioner for settling the Account of this State with the United States may be prolong'd.

Council request you will be pleased to lay the same before Congress for their determination.

I have the honor to be, Gentlemen, with great respect,

Your most obedient and very humble servant,

PETER MUHLENBERG.*

Directed,

Honble. the Delegates of Pennsylvania in Congress.

* See Col. Rec., Vol. XV., p. 558.

Gov. Huntington of Connecticut to Pres. Franklin—Wyoming, 1788.

New Haven, Oct. 14th, 1788.

Sir,

I did myself the honour some time past, to address your Excellency on the subject of Imprisonment of John Franklin in Philadelphia, and afterwards received with much satisfaction information of the kind and humane proceedings of your Excellency & Council, relative to the prisoner in consequence of my letter on that subject.*

I have now before me a letter from the same prisoner, wherein he acknowledgeth his situation hath been made as comfortable as close confinement could admit, both in sickness and health, except he is unable to procure comfortable clothing; but he complains grievously that he is still held in close confinement without being admitted to bail, or the liberty of a trial for the offence wherewith he is accused.

I am also informed that the Legislature of Pennsylvania have suspended their act, which had been passed for quieting the settlers at Wyoming, and their consternation and uneasiness in consequence of the suspension.

It is presumed those transactions are well known to your Excellency & need not further explanation.

As the people first settled at Wyoming, under countenance of this Legislature, and for a time lived under the exercise of the Government of this State; Government have always thought themselves under some kind of obligation to take notice of their complaints and distresses; which is my apology for troubling Your Excellency at this time.

But considering the Irritable nature of the Susquehannah Controversy the powerful connections, which the settlers there have with a numerous class of Citizens in this State in both the ties of interest and consanguinity, and the disagreeable consquences of wounding an old fracture when apparently almost healed; I have thought it expedient to address your Excellency on this subject, without laying the complaints above refer'd to, before the Legislature.

Let me then suggest to your Excellency, whether it be consistent with the free constitution of the Commonwealth of Pennsylvania to hold any person a close prisoner from year to year mere upon accusation, without admitting him to bail, or the liberty of a trial, when Government is in profound peace and full exercise.

And doth not the dignity of Government, and the dictates of sound Policy require that the act in nature of a grant which was passed for quieting the settlers at Wyoming, and securing to them

* See page 238.

their land, done with so much deliberation and notoriety, should be held sacred and inviolate, and that future disturbances, disputes and disagreeable consequences should be prevented if possible.

The prisoner above mentioned is apprehensive that the lawless & outrageous proceedings of the Banditti, who carried off that worthy Gentleman, Col. Pickering, may operate to his disadvantage, although as I am informed it was done without his knowledge or apprehension.

I have only to add that I am perfectly satisfied, your sentiments and inclinations will fully concide in all proper exertions, to alleviate the distresses & miseries of the wretched, among individuals and in promoting harmony, mutual conciliation and good neighborhood, between States and societies, so far as may be consistent with the principles of Justice and the honour and safety of Civil Government.

With the highest sentiments
of Esteem and Respect,-
I have the honor to be,
your Exc'ys hble. Servt.,
JAMES HUNTINGTON.*

Directed,
His Excellency, President Franklin.

Wm. Will to Vice Pres. Redick—Election of Sheriff, 1788.

Philad'a, Oct. 15th, 1788.

Sir,

I beg leave to inform you, and through you, the Honorable the Supreme Executive Council, that I am collecting a number of facts, which I mean as speedily as possible to lay before your Honorable Board, which I apprehend will prove that the election for Sheriff for the City and County of Philadelphia,† was not legally conducted; & that undue means have been made use of to influence a number of Citizens to vote for Mr. James Ash;‡ and also that a number of Seamen and others were admitted to vote at the said Election, who were not Citizens of this Commonwealth, and entitled to a vote; I therefore must request that the Honorable Council would be pleased to Delay Commissioning the Sheriff of the City and County of

* See Col. Rec., Vol. XV., p. 575.

† See Col. Rec., Vol. XV., pp. 567, 569, 570, 571, 572, 573, 576, 577, 578, 579.

‡ The Council decided in favor of James Ash.—See Col. Rec. Vol. XV., p. 579.

Philadelphia, until I have time to lay a full state of the said matters before them and produce evidences to support the same.

I am, Sir,
with the highest respect,
your most obedient
very humble Servant,
WM. WILL.

Directed,

To the Honorable David Redick, Esquire, Vice President of the Supreme Executive Council of the Commonwealth of Pennsylvania.*

Secretary of Foreign Affairs to Pres. Franklin, 1788.

Office for foreign Affairs, 17th October, 1788.

Sir,

I have the Honor of transmitting to your Excellency herewith enclosed, five Papers sent to me for that Purpose by Mr. Dumas, together with a Copy of a Note from him to me respecting them.

How far Government should interpose to obtain Justice, in the ordinary course of Law, for Individuals in a foreign Country, who have neither private Friends nor public Ministers on the spot to assist them, is a question that merits Consideration. Humanity seems to recommend it, and yet several Difficulties and Objections appear obvious. This is the first application of the kind that I recollect in this Country, and my Respect for your Jndgment leads me to request the Favor of you to inform me of the Result of your Deliberations on the subject.

I have the honor to be,
with great Respect and
Esteem, your Excellency's
most obedient and
very humble Servant,
JOHN JAY.

Directed,

His Excellency, Dr. Franklin.

* He was elected Vice President (in room of P. Muhlenberg who resigned) on the 14th Oct., and continued only until the general election, on November 5th, when he was succeeded by George Ross, as Vice President and Thomas Mifflin at the same time succeeded Benj'n Franklin as President.—See Col. Rec. Vol. XV., p. 584.

ANDREW BROWN, OF FEDERAL GAZETTE, TO COUNCIL, 1788.

Sir,

I beg leave to solicit you for your patronage of the Federal Gazette and Philadelphia Evening Post, by taking, for your honorable board, the usual number of papers.*

I am, may it please your Excellency,
Your Excellency's obedient humble servant,
AND. BROWN,
Proprietor and Editor of said Gazette.

17 Oct., 1788.

Indorsed,

Read in Council same day and agreed to take 6 Copies. J. Trimble, for Chas. Biddle, Sec'y.

Directed,

His Excellency, the President of the Supreme Executive Council of Pennsylvania.

VICE PRES. REDICK TO GOV. CLINTON, OF NEW YORK, 1788.

In Council,
Philadelphia, October 21st, 1788.

Sir,

Our Justices of the Supreme Court set out in a few days for Luzerne, where the noted John Franklin will be put for trial—and as Council wish to furnish the Att'y General with all the Testimony they can procure, I am directed to request your Excellency will order the Letters written by Franklin to Doctor Hamilton of your State, and any other papers you may have that respect this business, to be transmitted here. Should your Excellency wish them returned you may depend upon their being sent to you.

I have the honor to be,
With great Respect,
Your Excellency's most obedient,
And very humble servant,
DAVID REDICK,
V. President.

His Excellency, George Clinton, Esq.,† Governor of New York State.

* See Col. Rec., Vol. XV., p. 566.
† See Col. Rec., Vol. XV., p. 571.

Wm. Will to Vice President Redick, 1788.

To the honourable David Reddick, Esquire, Vice President and the Supreme Executive Council of Pennsylvania.

The petition of William Will humbly sheweth,

That this honorable board having in consequence of his petition, presented this morning, resolved that he be allowed access to the tax books, &c., he conceives it will both facilitate the progress and shorten the duration of the business if the farther examination of witnesses is postponed for a few days until he has had time to trace thro' the books the names of those who have voted and have not been rated to the payment of taxes, nor otherwise qualified, and thereby apply his evidence to those instances which the books enable him to select.

He therefore humbly prays that the farther examination of witnesses may be adjourned till some day in the next week, before when, from the great number of voters, it will scarcely be possible to go thro' the lists, or to such other time as to the board shall appear expedient.

And as in duty bound, &c.,

WM. WILL.*

22d Oct., 1788.

Richard Morris, Chief Justice of New York, to Vice Pres. Redick, 1788.

New York, October 24th, 1788.

Sir,

In Complyance with his Excellency, Governor Clinton's request, I have the Honor herewith to Inclose to the Executive Council of Pensilvania, through your hands, the several letters in my possession, purporting to be written by John Franklin to Doctor Hamilton. As those papers are in my Hands Officially, I shall be much obliged, when they are no farther wanted, that they may, by some safe Conveyance, be remitted to me.†

I am, Sir,

With the Greatest Respect,

Your Honors most obedient,

And very Humble Servant,

RIC'D. MORRIS.

The Honorable David Redick, Esq., Vice President of the State of Pennsylvania.

* Col. Rec., Vol. XV., p. 573.

† See page 410, and Col. Rec., Vol. XV., p. 578.

Zebulon Butler to Sec'y Biddle, 1788.

Wilks-Barre, Luzern County, October 24th, 1788.

Sir,

I received your Letter (circular) of the 22d August last,* I am sorry to inform you that my best exertions have as yet failed to procure legal Returns of the Persons subject to militia Duty in this County, among the first elected Officers of the first Battalion. Capt. Ross, Capt. Alden, Lieut. Nezbit, Ensign Hide, & Ensign Alden, were not immediately Commissioned. Since Capt. Ross has received his commission, Col. Pickering, with myself and others, were appointed to examine the others and report to Council. Col. Pickering informed me he made report, but I have not received their Commissions. Ensign Alden has left the State, Ensign Hyde has engaged in the Horse.

The elected officers in the second Battalion I have been informed are not to be commissioned. As soon as I receive Orders from Council for holding a new Election, I shall proceed in the Business & use my best endeavours to organize the Militia and make Returns; I have no returns for the years 1785, 1786, and 1787.

I am Sir,

your obedient and very humble servant,

ZEB'N BUTLER, County Lieutenant.

Directed,

Charles Biddle, Esquire, Secretary to Council.

V. P. Redick to Gov. Huntington, of Connecticut, 1788.

Sir,

Your letter of the 14th instant,† directed to the late‡ President of Pennsylvania, Dr. Franklin, has been read in Council, and in answer thereto I have the Honor of observing that in the case of the prisoner, Mr. Franklin, the peace and tranquillity of Luzerne depended, in the opinion of Gov^{t}, in a great measure on the confinement of this man untill he could be brought to trial, which will now take place within a very few days, and which is as early as the Supreme Judges have had it in their power, agreeably with their established order of doing the duties of their offices, to go to Luzerne, and we presume that the charge against Mr. Franklin, and that not merely such unsupported by affidavits, as your Excellency's letter would seem to imply, together with the well known spirit and

* See page 399.
† See page 409.
‡ See Col. Rec. Vol. XV., p. 575.

uniform conduct of this person, & the disturbances which have subsisted in the settlement of Wioming almost ever since his detection, will fully justify the measures pursued by the Govt. The people of both the Govt that over which you preside, as well as of Pennsy'a, have at least the scars remaining of the wounds they have received in the unhappy dispute which formerly subsisted, and which we have now no doubt of having quite healed up, unless some unhappy interposition should prevent, we hope, sir, that the wisdom and justice of the legislature of Pennsylva. will lead to such measures as will Justify the Govt to the unprejudiced, and be assured that nothing will afford a higher gratification to this State than to find that Connecticut should be so happy as to view it in the same point of light.

Be assured, Sir, that it will be the care of Pennsylvania to cultivate a good understanding with your State, and we shall be happy in pursuing such measures as will have a real tendency to ease the feelings of our Citizens of the County of Luzerne as well as those of their friends and connections in the State of Connecticut.

I have the Honor to be Sir,
with great respect your most
obedient & very humble servt.,
DAVID REDICK, Vice President.

Sec'y C. Biddle to Attorney General, 1788.

Philada., Octr. 29, 1788.

Dear Sir,

I send you by the Sheriff of Luzerne the papers that have been transmitted by the Governor and Chief Justices of the State of New York relating to said John Franklin—as the Chief Justice of N. York will want those papers returned to him, Council request you will bring them here with you or send them to me by some safe conveyance.

With great Esteem,
I am, Dr. Sir,
yr. obt. servt.,
C. BIDDLE, Sec'y.

I send you the newspapers of the day.

Indorsed,

1788, October 29th. Papers* put into the hands of the Atty. General respectg. John Franklin, a State prisoner for exciting disturbances at Wioming. Returned by Mr. Bradford.

* This appears to be merely the envelope.

Return of Field Officers of Northumberland County, 1788.

Return of field Officers Elected in The County of North^{d}, Agreeable To the Militia Law.

1st Battalion, Lieutenant Colonel, John White.
Maj^{r}. Charles Gobin.

2d, James Murry, Lieutenant Colonel.
Maj^{r}. James McMahin.

3d, William Hepburn, Lieutenant Colonel.
Maj^{r}. Isaac Seely.

4th, John Kelley, Lieutenant Col^{n}.
Maj^{r}. John Gray.

5th, Anthony Sulin, Lieutenant Col^{n}.
Jacob Hosterman, Maj^{r}.

I do hereby Certify That the Above is a True Return of The Different Elections held by

WILLIAM WILSON,
Lieut. North^{d} County.

Directed,
Charles Biddle, Esqr., Secretary of Council.

Essay of a Plan to appreciate the Money, 1788.

It seems that nothing is likely to restore confidence in the paper money; to sink it is the duty of the State, as the quantity is lessened, the scarcity will appreciate the Residue.

First Method, let the mortgages be made transferrable, by the Trustees, to any Person discharging the amount. The original Contract however to remain valid with regard to the time of payment and kind of money. No money is to be issued from the Loan Office, as the law now stands, so whatever sums come in by this method can be burned. Quere, would this be against the Mortgager or not? he would not be pushed, but in the end must pay hard money. The speculation would be in favour of the Transferee, who advanced Paper, and finally would get both Principal and Interest in hard money. The State, it has been said, could get quit of 30 out of the

43 M. outstanding on the Loan Office Books, this however ought to be reduced to some certainty, and the Persons actually known, who would advance the money, before any law is risqued.

2d Method, to open a Loan, for the taking up 30 or 40 M., of the paper money, on usual half yearly interest, redeemable in 7 years, and a sufficient fund, the produce of which to be hard money only, assigned for payment of Interest and Principal, and the moneys so taken up burned. This would lessen the gross sum, but at the same time lessen the funds for sinking the residue, by withdrawing one for an hard money fund. The speculation would be in favour of the advancers of money, but perhaps it would be a very just one, as it is likely the subscribers to this loan, would be such as had rec'd the money at Par, in Salaries, Interest, &c.

3d Method, open a loan of hard money only, assign the most unexceptionable fund for the payment of Interest half yearly, Principal redeemable in 7 years, Produce of the fund to be hard money only. This is liable to the same objection as the above with respect to withdrawing a fund, buy up paper with the hard money, and burn it—20 M. will procure 30 M., Speculation is an ugly Business for Government; here however it is intirely in favour of the State. But where is the hard money?

4th, Follow the depreciation, and pay every officer of Government, not in the nominal sum, but agreeable to the amount advanced of Paper necessary to procure the hard money. Necessity has forced the S. E. C., into these measures in all the late Government Contracts. Why should the Public officers alone suffer? let the Present Taxes be called in with all diligence, and let the New ones be laid on the same principles of depreciation.

Monthly Return of Penn'a Inv'd Guards, Philadelphia, 1788.

Monthly Return of the Penn'a Inv'd Guards com'd by Capt. James McLean, Philadelphia, October 31st, 1788.

	Com'd	Non Co m		PRIVATES.							Alter'ns since last mo.					
	Cap't.	Serjeants.	Corp'ls.	Fit for duty.	Sick present.	Sick absent.	On Command.	On Furlo.	Prisoners.	Wanting.	Total.	Dead.	Discharged.	Deserted.	Joined. Serj'tg.	Dr's & Fifes.	Privates.
				16	1			1			18						
Fit for duty,	1	2	2														
Sick present,																	
Sick absent,																	
On Command,																	
Ab't with leave,																	
Ab't without leave,																	
Total,	1	2	2														

Serg't Brooks, Discharged,

JAMES McLEAN,
Capt. Com'g P. I. Gs.

Wm. Bradford, Atty. Gen., to Secretary Biddle, 1788.

Easton, Nov. 1, 1788.

Sir,

I have received the papers which you forwarded by Laud Butler Esquire, Sheriff of Luzerne, but upon examination, I do not find that they will be of any essential service in the prosecution.

Be pleased to inform Council that the Commonwealth has been successful in both the suits brought by James Delancy & Margaret his wife, to recover certain lands sold by the State to J. McNair & others, as forfeited by the attainder of Andrew Allen. The property immediately in dispute was about 300 acres, that which was involved in the question was about a thousand acres.

The Judges set out for Luzerne to morrow, J. Franklin went forward this day under the Custody of Sheriff Butler.

I am sir,
with great Esteem,
your most obedt Servt.

WM. BRADFORD, Jur.

Directed,

Charles Biddle Esquire Secretary of Council, Philadelphia.

Record of Conviction of Kilborn and Parks—Wyoming, 1788.

I certify that at a Court of Oyer and Terminer and General Gaol Delivery held at Wilkesborough for the County of Luzerne the fourth day of November in the year of our Lord one thousand seven hundred and eighty eight, before the Honorable Thomas McKean Esquire Doctor of Laws, Chief Justice, and the Honorable Jacob Rush Esquire, one of the Justices of the Supreme Court of the Commonwealth of Pennsylvania, Joseph Kilborne and Darius Parks of Luzerne County, Yeomen, were indicted tried and convicted by a Jury of the Country, for that they together with a number of others, on the twenty sixth day of June in the Year of our Lord one thousand seven hundred and eighty eight, at Wilkesborough in the said County, with force and Arms, to wit, with Guns, Knives, and Tomahawks, unlawfully, riotously and routously did assemble and gather themselves together to disturb the peace of the said Commonwealth, and so being assembled and gathered in and upon Timothy Pickering Esquire, (then and still being Prothonotary of the Court of common pleas, holden in and for the said County, Register for the probate of wills and granting Letters of Administration and Re-

corder of Deeds in and for the County aforesaid, and one of the Commissioners appointed by the Commonwealth for ascertaining the Claims of the Connecticut claimants to lands in the said County,) and the peace of God and of the Commonwealth aforesaid then and there being unlawfully, riotously, & routously did make an Assault and him the said Timothy, then and there unlawfully riotously & routously did beat & ill treat, & him the said Timothy Pickering Esquire then and there did unlawfully riotously & routously bind with Cords, imprison & of his natural Liberty deprive, and him the said Timothy Pickering Esquire, so bound as aforesaid, with force and Arms &c., unlawfully riotously & routously and against the will of the said Timothy, did take and convey away into lone & desert places in the said County, and him the said Timothy Pickering Esquire in the said lone and desert places from the day aforesaid until the fifteenth Day of July in the same year, bound with Chains and exposed to the inclemency of the weather, unlawfully riotously and routously did keep, imprison & detain, with a seditious intention to compell and procure the discharge and Release from Goal, of one John Franklin then lately before arrested, & committed to the Goal of the City & County of Philadelphia charged with High Treason against this Commonwealth & committed for the same—to the great damage of the said Timothy Pickering Esquire, to the evil Example of all others in the like Case offending and against the peace and dignity of the Commonwealth of Pennsylvania. Whereupon it was considered by the said Justices, that the said Joseph Kilborn should pay a fine of one hundred Dollars to the Commonwealth and the Costs of Prosecution and be committed to the common Gaol of Luzerne County for the space of six calender months, that is 'till the sixth day of May next, and that Darius Parks pay a fine of fifty dollars to the Commonwealth of Pennsylvania and the Costs of Prosecution and in the mean time remain in the Sheriff's Custody.

EDW. BURD, prot. Supr. Court.

Record of Conviction of B. and N. Abbott—Wyoming, 1788.

I, Edward Burd, prothonotary of the Supreme Court of the Commonwealth of Pennsylvania, do certify that at a Court of Oyer and Terminer and General Gaol Delivery, held at Wilkesborough, for the County of Luzerne, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, Benjamin Abbott and Nathan Abbott, junior, of the County of Luzerne, Yeomen, were indicted and convicted, by their own Confession, of having

* Fine remitted, See Col. Rec., Vol. XV., p. 625.

on the twenty-sixth day of June last, at Wilkesborough, in the said County, together with a number of others, unlawfully, routously and riotously assaulted and beat the said Timothy Pickering, Esquire, bound with Cords, imprisoned and deprived him of his natural Liberty, and conveyed him away to lone and desert places in the said County, and unlawfully, routously and riotously kept imprisoned and detained the said Timothy Pickering, Esq., in the said lone and desert places, bound with Chains, and exposed to the Inclemency of the weather, from the said twenty-sixth day of June until the fifteenth day of July, in the same year, with a seditious Intention to compel and procure the discharge and release from Gaol of one John Franklin, then lately before arrested and committed to the Gaol of the City and County of Philadelphia, charged with High Treason against the said Commonwealth, and committed for the same, whereupon it was considered by the said Court that the said Benjamin Abbot and Nathan Abbot, junior, severally pay a fine of twenty shillings to the Commonwealth of Pennsylvania, and discharge the Costs of prosecution, and in the mean time remain in the Sheriff's Custody.

Witness my Hand, the seventh day of November, in the Year of our Lord one thousand seven hundred and eighty-eight.

EDW. BURD, prot.

Record of Conviction of Zeb. Cade—Wyoming, 1788.

I, Edward Burd, prothonotary of the Supreme Court of the Commonwealth of Pennsylvania, do certify that at a Court of Oyer and Terminer and General Gaol Delivery, held at Wilkesborough, for the County of Luzerne, the fourth day of November, in the year of our Lord one thousand seven hundred and eighty-eight, Zebulon Cady, of the County of Luzerne, Yeoman, was indicted and convicted, by his own Confession, of having on the twenty-sixth day of June last, at Wilkesborough, in the said County, together with a number of others, riotously, routously and unlawfully assaulted and beat Timothy Pickering, Esquire, bound with Cords, imprisoned and deprived him of his natural Liberty, and conveyed him away to lone and desert places in the said County, and unlawfully, routously and riotously kept imprisoned and detained, the said Timothy Pickering, Esquire, in the said lone and desert places, bound with Chains and exposed to the Inclemency of the weather from the said twenty-sixth day of June until the fifteenth day of July, in the same Year, with a seditious intention to compel and procure the discharge and release from Gaol of one John Franklin, then lately before arrested and committed to the Gaol of the City and County of Philadelphia, charged with high Treason against the said Commonwealth, and committed for the same, whereupon it was considered by the said Court

that the said Zebulon Cady should be committed to the common Gaol of Luzerne County for the Space of three Calendar Months, discharge the Costs of prosecution, and in the mean time remain in the Sheriff's Custody.

Witness my Hand, the seventh day of November, in the year of our Lord one thousand seven hundred and eighty-eight.

EDW. BURD, prot.

James Brison to Vice Pres. Redick, 1788.

Greensburgh, 8th November, 1788.

Sir,

I beg leave to trouble you with a few lines respecting an election lately held for Justices of the Peace in Pittsburgh. It is said that no election can, with propriety, be held in a district in which a County Town is situate, for a greater number of Justices than would be proper in any other district, until a special order be granted by the Supreme Executive Council for that purpose. I did not think of this matter when I was in Philadelphia, and have not had opportunity of consulting any Gentlemen of the law on the subject since; But I would imagine that the words in the Act of Assembly, "As soon as the President or Vice President in Council shall think proper to grant the same," may be as well applied to the granting of Commissions after an election, As to the granting an order for such election. In our Case the exigency was such that we had no alternative; if an election had not been held in this way, we would not have had Justices enough in the New County to hold a Court at the time appointed by Law; Mr. Wallace, of Pittsburgh, and Mr. Scott, who lives near Chartiers, are the only Justices in Allegheny County, As Mr. Mitchell, who lives in the Forks between Youghagania & Monongahala, is either gone or immediately going down the Ohio River.

I would fondly hope, that under these circumstances, the Council will not refuse us the Commissions for those elected.

It seems to be regretted that Mr. Kirkpatrick, who is third on the Return, had not been farther forward. He is considered as a Gentleman of Merit and very steady Judgment. I am informed that some of your Colleagues are very well acquainted with him—if so, the Council will be better able to judge from their information whether it would be expedient to give him a preference.

I have the honor to be,

With the most perfect Respect,

Your Obedient, humble servant,

Directed, JAMES BRISON.

The Honorable David Reddick, Esquire, Vice President of the Supreme Executive Council, Philadelphia.

Hon'd by Capt. Morrison.

Col. Isaac Melcher to Pres. Mifflin, 1788.

May it please your Excellency.

I take the liberty to accompany this with a sketch or map of the Country bounded by the North line of this State, and to solicit your attention to these communications, and particularly to the situation of that Country, its connection by land & water with some of the most fertile, *settled* lands in the State of N. York & also ye new ones now forming, by which may be discovered the immense advantages that would result to this State, if the navigation of the Delaware was improved from the division line, between N. York & Pennsyl. and new roads opened to the N. W. parts of the latter, which would not only encourage population and facilitate the sales of Lands, but encrease the commerce of the metropolis and State in general, as well the cultivation of unimprov'd lands, and augment the State revenue. Should the Ideas suggested above, strike your Honble board as objects worthy attention, on an investigation of the subject, I humbly solicit your communication to the Legislature. I will only add that I have enumerated but a few of the many advantages that might be derived from an easy intercourse to the N. & N. W., and shall conclude with observing that Country could be made to Philada. what the Lands on the Susquehanna are to Maryland. I am with defference and Respect,

Your Excellency's most obed't ser.

ISAAC MELCHER.*

Philada., 10 Nov. 1788.

Directed,

His Excellency, Thomas Mifflin, Esq., President of the Supreme Executive Council of Pennsylvania.

Jonathan B. Smith to Pres. Mifflin—Resignation, 1788.

Philada., Nov. 13th, 1788.

May it please your Excellency.

I must beg the favor of your excellency to declare to the Honble Councell that I resign to them the office of Prothonotary of the County of Philadelphia.

I am your Excellency's most respectful,

& most obed't humble servant.

J. B. SMITH.†

Directed,

To his Excellency, The President of the State of Pennsylvania.

* See Col. Rec., Vol. XV., p. 597.

† See Col. Rec., Vol. XV., p. 595. James Biddle elected Prothonotary of Philadelphia co., in his place.

Col. Timothy Pickering to Pres. Mifflin, 1788.

Wilkesbarre, Nov. 15th, 1788.

Sir

This will be presented to your Excellency by Captain Ross. He takes with him John Franklin, to deliver to the Sheriff of Northampton; after which he proposes to go to Philadelphia, where, among other business, he will make application to Council for the reward due for some of the convicted Rioters of this county.

At the Court of Oyer & Terminer held here last week, Stephen Jenkins, Joseph Kilborn, Thomas Kinney and Darius Parkes, were tried and convicted of the riot committed here in June last, when I was taken & kept a prisoner in the woods. For Kinney, I believe the reward has already been paid, and Parker was apprehended by a constable on a warrant from a Justice of the Peace, in the ordinary course of law; for him therefore no reward is due. The captors of Stephen Jenkins & Joseph Kilborn I suppose are entitled to a hundred dollars for each of them. A claim will be presented for 100 dollars for the taking of Aaron Kilborn by Gideon Osterhout a constable. I doubted the propriety of this claim; for I recollected that Esq. Smith told me he happened to be up the river in the neighbourhood of Kilborn's father's house, & hearing that the lad had come home, he issued his warrant for apprehending him, which was executed by Osterhout the Constable: but the latter says he took him on the proclamation of Council. Young Kilborn is but about fifteen years old, and on his examination, I remember he said he had come home with a view to give himself up, but was seized before he had time to set off for Wilkesboro' for that purpose. He was brought to this place about the 20th of August last, at which time the party with whom he fled remained within the State of New-York, where he also might have continued, his brother (of full age) being one of them—had he not come home with a design of surrendering himself. These circumstances I thought it my duty to mention for the consideration of Council. I wish well to Osterhout for his steady attachment to Government, and because he has formerly suffered for it, from some of the gang who took me; and had he pursued young Kilborn when fleeing, or incurred any hazard in the act of taking him, I should have thought he merited the reward.

Zebulon Cady, another of the rioters, & a notorious villain, was seized by two sons of esquire Smith and Mr. Oehmig, during the sitting of the Court of Oyer & Terminer, before which he was brought; and being arraigned, pleaded guilty, & received his sentence. His captors richly deserve the reward: they broke open his house in the night, & took him with his arms in his hands, standing upon his defence.

The Attorney General said he should write to Council to propose

he revocation of the proclamation :* I wish it may have been done, & that the revocation may be soon published here: for I am apprehensive of collusion between the remainder of the rioters and their friends, for the purpose of getting the rewards; seeing the Court, commisserating the culprits for their poverty, & because misled by the Jenkinses & other men in years, have inflicted very light punishments. But I beg leave to suggest, whether with the revocation it will not be expedient to require all the officers & ministers of justice to apprehend the remaining rioters. It would also seem to me expedient to except John Jenkins from the revocation, but to reduce the reward to 100 or even to 50 dollars. This man was the prime instigator of the plot, and has gone hand in hand with Franklin, altho' the Grand Jury did not find evidence to indict him of high treason. He has been indicted for the riot, on the clearest evidence; and the continuance of the offer of a reward will either insure the taking him, or keep him in York State, whither he went as soon as I was taken & where he still remains; and where, for the good of this settlement, it might be well if he should ever remain: for tho' deficient in courage to execute, yet he has a heart base & wicked enough to contrive any mischief whatever.

I have the honour to be,

Very respectfully, Sir,

Your most obed't servant.

TIMOTHY PICKERING.

P.S. On my return hither I found the enclosed return of the election of Justices of the peace had been lodged in my office: I now transmit the same, that Council may commissionate one of them; and beg leave to observe, that there will be a convenience in its being done immediately, lest there should be a defect of Justices at our next term, which commences the second of December, and at present there are but four Justices in commission in the county.

Directed,

His Excellency, the president of Pennsylvania, In Council.

Practitioners of Law in Philadelphia—Memorial, 1788.

To his Excellency the President and the honorable the Supreme Executive Council of the Commonwealth of Pennsylvania.

We the subscribing Practitioners at Law in the Court of Common Pleas for the County of Philadelphia being deeply interested in Behalf of ourselves and of our Clients in having the office of Prothonotary of the said Court filled by a proper Person, beg leave to

* Col. Rec., Vol. XV., p. 602.

express our favorable Sentiments of the Gentleman who has lately been appointed to this Station in Consequence of the Resignation of Jonathan B. Smith, Esquire.

The well known Abilities, Experience, Integrity and Attention to Business of James Biddle, Esquire, at the same Time that they promise Accuracy, Fidelity and Dispatch in the important Duties of that office induce us to return our Thanks to your Excellency and the honorable Council for the judicious appointment which has been made.

We are with the highest Respect, and Esteem for your Excellency & the honorable Council,

Your most obedient & most humble servants.*

15th Nov. 1788.

Charles Swift,	Jona D. Sergeant,
Benj. Morgan, Jun'r,	Wm Lewis,
Anthony Morris,	Jared Ingersoll,
Jacob R. Howell,	Alex'r Wilcocks,
Rob. Milligan,	Edw'd Tilghman,
John Hallowell,	W. Rawle,
Peter Z. Lloyd,	Samson Levy,
Moses Levy,	Jno. C. Wells,
Jasper Moylan,	Chas. Heatly,
John D. Coxe,	John Todd, Jun'r.

Directed,

His Excellency, Thomas Mifflin, Esquire, President of Council.

Thomas Fitzsimons to Pres. Mifflin, 1788.

Sir,

I have the honor to enclose a Resolution entered into by the Gen'l assembly and to inform you that the Committee will be ready to attend to the business when Council assign a time for that purpose —it may be necessary to add, that it *seems* to be the Intention of the House to close the present session tomorrow.

I have the honor to be,

Sir, Your most h'ble Servant

THO. FITZSIMONS.†

Nov. 21st, 1788.

Directed

His Excellency, Tho. Mifflin, Esqr.

* See Col. Rec., Vol XV., p. 595.
† See Col. Rec., Vol. XV., p. 604.

John Lukens, S. G., to President Mifflin, 1788.

Tuesday, 2th Decbr., 1788.

Sir

Yesterday I received an order from Council, directing all the Islands in the Alleghany and Ohio Rivers should be surveyed & returned into my Office,—as there is no Deputy Surveyor appointed for doing the same, I would with submission recommend Mr. Andrew Ellicott for that Service or any other that Council may have to do on the North of the line of the State Settled last Summer.

I am, Sir,

Your very H'ble Serv't

JNO. LUKENS, Esqr.

Directed,

His Excellency Thomas Mifflin, Esqr, Presid't.

Dr. Benjamin Rush to Council—Dickinson College, 1788.

Gentlemen,

From the present deranged state of public affairs, the College of Carlisle has suffered in her resources in common with the other public institutions of the state. The Council of Pennsylvania have for several half years past, from a generous concern for the advancement of literature in the western country, directed the treasurer of the state to issue a special order upon the treasurer of Cumberland County to pay the interest upon the funded certificates of the College. In the name of the trustees, & of the friends of the College, I beg leave to solicit a repetition of the same favor, & have the honor to be Gentleman, with great respect your most

humble Servant

BENJ. RUSH.*

Philadelphia, 4th Decembr., 1788.

Indorsed

Read in Council same day, and the treasurer directed to draw the Order for 1 half year's Interest.

Council to Richard Butler and John Gibson, 1788.

Gentlemen,

You have inclosed an Invoice of Goods sent you to purchase the Indian Claims to the Country adjoining Lake Erie and the Northern Line of Pennsylvania. Some of the articles you wanted were not to

* See Col. Rep., Vol. XV, p. 616.

be had; in the room of them, such were procured, as in the opinion of Council would best answer the purpose for which they are intended.

In transacting this business Council have the utmost reliance on your doing every thing in your power for the interest and advantage of the State.

Indorsed—Decbr. 8th, 1788.

Yr. &c.

Philadelphia Company, &c., to a Committee of Council, 1788.

To the Honorable Committee of the Supreme Executive Council of the Commonwealth of Pennsylvania, appointed for the special purpose of considering what further roads may be necessary to be opened, &c., in said Commonwealth.

May it please your Honors,

The Subscribers beg leave to mention to you the propriety of opening a Road from or near Leonard Balliard's House in Mahoning Valley, about 71 miles from Philadelphia, into the road directed to be opened by an Act of the Honorable the Legislature, passed the 29th March, 1787, which leads to the falls of the Nescopeck, in the River Susquehanna. The advantages attending this proposed Road would be very considerable to the Inhabitants settled in the Counties of Northumberland & Luzerne in particular, but to the State in General; many of whom have a circuitous Rout of two hundred miles, who would then have no more than half that distance to bring their produce to this Market, which undoubtedly would be mutually advantageous to the City and several of the Counties. The said Road would secure to a respectable part of the State the advantages of the Philadelphia Market with considerable Convenience. The Distance necessary to be opened would be about 18 or 20 miles, & at present the views of the Legislature in opening the Nescopeck Road must be frustrated unless this prayer should be granted, as it was designed to have been carried to the Water Navigation of the River Lehi, but as the Commissioner who was appointed in pursuance of the said Act, had it then not in his power to open it to the said Communication, the Views of the Legislature in consequence are rendered in some measure abortive, or at least are not attended with the advantages thereby designed. This addition thereto your petitioners humbly conceive would perfect the Intentions which the Wisdom of the honorable Legislature meant to carry into Effect.

We take the Liberty of mentioning, that there is a Company established in this place nominated "*The Philadelphia Company*

* See Col. Rec., Vol. XV., p. 618.

"*for promoting Manufactures & the useful Arts in the Town of "Berwic upon the Susquehanna.*" The Views of which are to promote the intercourse of a weighty part of the State, which they trust will be advantageous thereto, and disadvantageous to none. We therefore wish that you will so far coincide with this statement of the important subject as to report to Council the propriety of opening this Road, and your Petitioners as in duty bound will pray, &c.

Signed by order & on Behalf of the aforesaid Company, by

BENJ'N SAY, Presid't.

Philadelphia, December 4th, 1788.

Andrew Ellicott to Pres. Mifflin—Erie, 1788.

December 19th, 1788.

Sir,

Being appointed to run the Line between the western boundary of the State of N. York, and the late purchase made by this State (of Congress) of a Tract of Country lying on the South side of Lake Erie, I shal just mention some difficulties which will probably attend the execution of this business,—and *first*, because the POINT which limits the State of N. York to the Westward, agreeably to the cession made by that State, and the State of Massachusetts to Congress in the year , lies within the British Settlements on the West end of Lake Ontario, it will therefore be necessary to obtain leave from the Commandant at Niagara, or the Governor of Canada to go within the British lines to commence the business. As this will be a matter of science only, and cannot possibly interfere with either their Jurisdiction or Property, we may reasonably expect that a proper representation made by Authority, will be attended with success. The *second* difficulty will be with the Indians, but as they are particularly attached to, and influenced by the Cols. Butler and Brandt, I would beg leave to suggest the Idea of obtaining their interest by some means or other.

I have the honor to be

Your Excellencies Hbl. Servt.,

AND. ELLICOTT.

Directed,

His Excellency Thomas Mifflin, Esqr.

Indorsed,

Read in Council, Dec. 19th, Referred to V. P. Col. Miles, Col. Smith, Col. Dennison, Mr. Cannon, 20th Decr., 1788.*

* See Col. Rec., Vol. XV., p. 631.

Instructions to James Dunwoodie, 1788.

Secretary's Office,
Philadelphia, December 27th, 1788.

Sir,

You are to proceed on Monday next with the letters for the Sheriffs of Washington, Westmoreland, Fayette, Bedford, Huntington, Cumberland, Franklin and Dauphine, and get from them the returns of the Elections for Electors, and bring them to Council as soon as possible. On your way to Fort Pitt try to inform the Sheriffs of Cumberland, Franklin Bedford and Huntington, that you will call as you come down for their Returns, and fix upon some convenient place for them to be left at.

As it is of importance the returns should be here soon after the Election, if any accident happen to detain you on the Road, hire some careful person to perform the business you are sent upon, and give him these instructions.

I am Sir,
Your very humble servant,
CHAS. BIDDLE, Sec'y.*

Directed
Mr. James Dunwoodie.

* See Col. Rec., Vol. XV., p. 634.

APPENDIX, 1782–1788.

The papers contained in the following pages have been copied from letter books at Harrisburg—of those from other persons than the Council—the originals have not been discovered, but they are recorded (no doubt from them) in these books.

Nos. 1 to 34 relate to Wyoming.*

No. 1.

Wm. Bradford, Jr., to Pres. Dickinson, 1782.

To His Excellency John Dickinson, Esq., Prest. of Pennsa.

Trenton, Novem. 18, 1782.

Sir,

I have the honor of informing your Excellency and the Council that the last of the Commissioners that we expected arrived here on Friday Evening; as the Supreme Court, as well as the Legislature, were sitting in Trenton, it was difficult to provide convenient Chambers for the Commissioners, and until this morning the Court was not compleatly organized. They have adjourned until to-morrow at 10 o'Clock, at which time we apprehend that the Agents for Connecticut will move that the Trial be postponed until the Settlers (who will be affected by the Determination) can have notice. This strange idea seems to be suggested merely for the purpose of Delay, and we conceive will not be adopted by the Court. Under this Circumstance it is impossible for us at present to say when the Witnesses will be wanted. We should however be extremely glad if the original Charter and the Indian Deeds could be forwarded with all dispatch Some circumstances [may] occur that will render it necessary for us to be armed at all points, and to rely as little as possible on the hopes of Indulgence.

We shall endeavor to apprize Council of every material Transaction during the course of the Trial; and we hope if we shall be under the necessity of drawing upon the Treasury for further sums to defray the Expenses of the Commissioners who are attending the Trial of this important Cause, that it will be ready to be forwarded. The Honour of the State seems to require this.

I have the honor to be

Your Excellency's mo. ob. Serv.,

W. BRADFORD, Junr.

[Letter Book, Vol. I. p. 17.]

* See Vol. X. for other papers on the same subject.

No. 2.

Sec'y Matlack to Richard Peters, 1782.

Philada., Decem'r 1, 1782.

Sir,

The President and Supreme Executive Council order me to request that you will, on Monday or Tuesday next, please to attend* the Court appointed by Congress now sitting at Trenton, as a witness on the part of Pennsylvania, in the cause now before the Court between the State of Pennsylvania and Connecticut.

I am with great esteem & respect,

Your Most Obed. Servt.,

TIMOTHY MATLACK, Sec'y.

Hon. Richard Peters, Esqr.

[Letter Book, Vol. II. p. 6.]

No. 3.

Council to Capt. Thomas Robinson, 1783.

Council, 5th May, 1783.

Sir.

Your letter of the 14th of March was received by Council. To your report of Indian Outrage some others have been added, so alarming as to engage the most early and serious attention of Council. Among other steps which have been thought necessary for the defence of the Wyoming settlement, a further supply of ammunition is now forwarded—it consists of two Boxes of Muskets, Cartridges & three hundred (300) flints.

As one expedient to quiet that restless discontented spirit which seems still to exist among the Connecticut claimants, Council have thought proper to send you a few additional copies of the late proclamation upon that subject. You will find some means to spread them abroad among the people, and, as far as your influence will go, to second their operation by securing Peace and promoting Justice.

I am, &c.,

JOHN ARMSTRONG.†

[Letter Book, Vol. II. p. 107.]

* See Col. Rec., Vol. XIII., p. 442.
† See Vol. X., p. 48.

No. 4.

SECRETARY ARMSTRONG TO SECRETARY OF CONGRESS, 1784.

Secretary's Office,
Philadelphia, April 14, 1784.

Sir,

I have the orders of Council to acknowledge the Receipt of your letter to President Dickinson of the 26th January last,* enclosing an Act of Congress directing a nulification of the application made to them for the Institution of a second Federal Court upon the Wyoming Business, and the assignment of a day for the purpose of hearing the respective parties upon the subject.

I am, Sir,
with the highest respect,
your most obed. and humb. servt.,
JOHN ARMSTRONG, Junr.,
Secretary.

Directed,
To Charles Thomson, Secretary of Congress.
[Letter Book, Vol. II., p. 83]

No. 5.

PRES. DICKINSON TO DELEGATES IN CONGRESS, 1784.

To His Excellency, Thomas Mifflin, & the Hon. Edward Hand, Esq.

In Council,
Philadelphia, April 14th, 1784.

Gentlemen,

Yesterday we received your letter of the second instant, with the Act of Congress of the 19th March; inclosed are the resolutions of the General Assembly of the 20th February & second of September, 1783, & of 30th of last January, and of the petition of Shepherd & others. The cause of the Resolutions of the 2d September is generally assigned in the preamble.

It appeared in the Course of the proceedings at Wyoming, when the first commissioners were sent up agreeably to the Resolutions of the 20th of February, that that there would be no accommodation with the Persons actually settled there, for they reprobated the Idea of other Lands being granted to them, unless the pretention of a

* See Vol. X., p. 194.

large number of the persons should also be taken into consideration. In one of their addresses to the Commissioners, dated the Twenty third of April, 1783, and signed by John Jenkin in behalf of himself and the rest of the settlers, they say "we cannot, as we are joint tenantly "with a much greater Body of joint proprietors, than is here without their joint Consent give up our claims to those lands in "dispute."

Thus by their own acknowledgment, the question no longer related to the persons designated by the Legislature of Connecticut in these expressions, "whose sufferings and condition under Pennsylvania have excited the commiseration of their Friends, but to all the claims that might be made by that "much greater body of joint proprietors," by which words no doubt, were meant all the claims of the Susquehanna and Delaware Companies.

This State earnestly desired and sincerely endeavoured to make an equitable compromise with the settlers and with the Families of settlers described in the Acts of the Legislature of Connecticut. These were really the objects of the "clemency" of this Commonwealth. But she could not consent to surrender a valuable Territory to claims inconsistent with Equity. The General Assembly adjourned on the first of this month, so that we have not had an opportunity of laying before them the circular letter of that date, but we shall endeavour to expedite the collection of the public Taxes.

With great and sincere esteem,

I am, Gentlemen,

your most ob. & humb. servt.,

JOHN DICKINSON.

[Letter Book, Vol. II., p. 84.]

No. 6.

Pres. Dickinson to Colonel James Moore, at Wyoming 1784.

In Council,

April the 20th, 1784.

Sir,

In pursuance of the inclosed resolutions of the General Assembly of the eleventh & twenty-fifth of March last, you will please to make such arrangement that the Garrison may be entirely withdrawn from Wyoming on or before the first day of June next, the Cannon, Arms, & military stores we wish to have deposited at Sunbury, in some proper place, and under the care of some suitable person. It may be advisable to consult General Potter and Wm. McClay, Esq.,

on this subject. An exact Return should be made of the articles so deposited, and the muster Rolls should be completed. The Removal should begin so early that the Troops after being discharged, may reach the respective places of their Residence by the first day of June, to which time they are to be supplied with rations, and their pay to be continued.

With great and sincere esteem,

I have the honor to be

your mo. obed. humb. servt.,

JOHN DICKINSON.

[Letter Book, Vol. II., p. 85.]

No. 7.

Lieut. Samuel Reed to Lieut. Col. Moore, 1784.

Sir,

Agreeably to your Orders I marched with the detachment under my command to the neighborhood of Abraham's plains. Upon entering that settlement (which was before day light) I found two men in arms, with their horses saddled, and supposing them to be belonging to the party said to be in arms, I marched them under guard in order to prevent as far as possible my being discovered. Shortly after I perceived some men running to the mountain, with whom I exchanged a few shots without receiving any damage.

The men were in general absent with their arms, and from Reports I had reason to expect opposition.

I proceeded with great caution to take the Locks off all the arms I could find, until I joined Capt. Armstrong. Our numbers was then respectable, which I firmly believe was the only Reason that prevented them from commencing Hostilities. I must refer you to Captain Armstrong for further intelligence.

I am, with much esteem, Sir,

your obedt. servant,

SAMUEL REED,

Lieut. P. Inf.

May 12, 1784.

No. 8.

CAPT. J. ARMSTRONG TO LIEUT. COL. MOORE, 1784.

Sir,

Agreeably to your Instructions, I proceeded with the party under my command to Abraham's Plains, & from thence through the settlement to execute my orders. I found the men generally absent with their arms, and had frequent Reports they were assembled on the Hills, and that they intended opposition. I was shortly after joined by the party commanded by Lieut. Reed. Our formidable conjunction I conceive to be the Reason why we were not attacked by the Connecticut Settlers, who I presume were perfectly disposed to do us every injury.

I am, Sir,

your obed. servt.,

JOHN ARMSTRONG.

May 12, 1784.

[Letter Book I., page 168.]

No. 9.

COL. JAMES MOORE TO PRES. DICKINSON, 1784.

To His Excell'y, John Dickinson, Esq.

Fort Dickinson, May 15, 1784.

Sir,

In consequence of various Reports corroborated by the inclosed depositions of two men, that a number of Connecticut Claimants were in arms at Abraham's Plains, six miles distant from the Garrison, that they had in a very hostile manner surrounded several peaceable Citizens who were pursuing their Industry to the great Terror of their persons. And that numbers from the other settlements were to assemble there with their arms, in the night, which the General Commotion of the Connecticut Faction give great Reason to suspect.

I conceived it necessary to detach Captain Armstrong, and Lieutenant Reed, each with a detachment of fifteen men silently in the night, to guard the Roads and Ferries, to prevent any dangerous combination that might be intended, and in the morning to proceed throught the settlement and secure the locks of all arms they could

find, until some inquiry could be made into their conduct and designs.

The officers made use of every precaution to prevent their parties being discovered, and a little before day made prisoners of two men in arms with their horses saddled in the neighborhood where it was said the Rioters lay, which they conceived were acting as Centinels, although no intelligence could be obtained from the men they had taken, they shortly after had information that the men in that country were principally assembled on the mountain very contiguous, with their arms. This information they found too true, as they marched through the settlement to execute their instructions; some parties were discovered, marching to the Hills, and a few shots were exchanged, but at so great a distance that no injury was done on either side. The officers were anxious to take some of the men they discovered making to the Hills that they might obtain some certain accounts of the number that were in arms and where they lay.

One of the party some time after was made a prisoner and disarmed by a party of the Rioters in arms. He was told by his Captains that a very considerable party was assembled and that serious consequences might be expected.

Permit me to refer your Excellency to the inclosed Reports of the officers ordered on this service, for further information on the subject. I am happy to inform you, that by their prudence the effusion of Blood, which from my information I much dreaded has been happily prevented.

As your Excellency and Council has a just claim upon me for every information respecting the situation of this country, I have made it my Business to obtain as perfect an account of the late Revolution that took place here as was possible to collect from the number of people engaged in executing.

I anticipate the intention of the Citizens in laying this short detail of the circumstances and motives that induced them to adopt the measure. The hostile appearance of the Connecticut Claimants in the neighborhood of Abraham's Plains already mentioned, their repeated Threats, and the frequent Reports of the support that was expected from their state filled the minds of the Pennsylvania Landholders and settlers with serious apprehensions of being forcibly dispossessed, if not before immediately after the dismission of my corps.

Their alarming situation became the subject of serious consideration, when the former cruelties of those people occurred to their minds.

They found, however anxiously they wished to cultivate that Cordiality and Friendship, so necessary to promote the benefits of society, there was not the least probability of its subsisting during the stay of those factious people among them. And now that they were about to be denied that support they humbly conceived they had a claim to from Government, until the controversy was finally determined; they found themselves drove to the painful alternative of

taking measures to remove the more dangerous part of the claimants out of the country or bring them to explicit declarations of their Intentions. This determination unanimously adopted by the Landholders and settlers under the Jurisdiction of this state, was immediately made known to the claimants under Connecticut with an earnest entreaty that they should avail themselves of the time (some days being allowed,) given them to remove their Families and property, or to accede to such measures, as would fully convince them of their attachment to the state and its Citizens. The well disposed availed themselves of this notice, and either removed up the River at some distance, or made such explicit declarations of their intentions to adhere to the interest of the state as entitled them to every Indulgence.

A number of those, who were concerned in promoting the first Troubles in this country and were still fanning the Embers of Contention were conceived too dangerous to be permitted to remain. And the Landholders and settlers were compelled to adopt the measures they had previously conceived necessary to promote the peace and Tranquility of this country and the Happiness of the state. From the numbers of people who has lately come in, they conceive themselves adequate to the Task. The Busines is effected and from every information I have been able to obtain, their conduct has been peculiarly marked with the highest degree of Lenity.

The above is the only circumstance I have been able to collect, respecting the late Revolution, which I conceive my duty to forward to Council.

I am, with much Respect and
Esteem, Your Excellency's
most obedient and
very humble servant,
JAMES MOORE.

[Letter Book, Vol. I., p. 170, 173.]

No. 10.

Mess. Buyers, &c., to Pres. Dickinson, 1784.

To His Excellency the Pres. & Supreme Executive Council of the Commonwealth of Pennsylvania.

Gentlemen,

We are exceedingly sorry that there is occasion to transmit to Council evidence of so disagreeable a nature, as they will be furnished with by the inclosed letters and deposition; but conceiving it to be of the first moment to Government and being called on officially for the purpose, it becomes our indispensable duty. Upon

inspecting Mr. Montgomery's letter, we find the detail of facts therein contained, supported by several witnesses, whom we have carefully examined upon oath, two of which reside in a different part of the state, but happened to be accidentally present at the alarming disturbances alluded to. We are altogether at a loss to account for this outrageous conduct of the soldiery. The Civil Officers intimidated and confined under a close Military Guard for serving the process of the Commonwealth. The Garrison instead of aiding the Civil Authority set it at defiance, and place themselves above the Laws. Lawrence Myers from whom two letters have been received by the High Sheriff and herewith forwarded is the sub-sheriff; the complexion of those letters will (independent of any thing else,) enable Council to form an idea how far the Civil Officers can act with effect in their several departments, to embrace the earliest opportunity of laying before Council such circumstances, as have come to our knowledge, in order, that a timely provision may be made for the injured and oppressed Citizens in that part of the state and the dignity of Government supported and maintain.

We remain with every sentiment of

Respect and Regard, Your mo.

obed. & very humb. servts.,

JOHN BUYERS,
FREDERICK ANTES,
CHRISTIAN GETTIG,
ROBERT MARTIN.

P. Stum.—Council receiving the above information as early as possible being a matter of moment; we thought proper to employ an express for the purpose, hope Council will approve thereof and give the necessary directions for the payment of his demands.

N. B.—Agreed with the Express for M. Doty for his Expenses Four pounds by Jno. Buyers.

Sunbury, May 17, 1784.

[Letter Book, Vol. I., p. 168.]

No. 11.

PRES. DICKINSON TO JOHN BUYERS, &c., 1784.

To John Buyers, Charles Gittig, Frederick Antes and Robert Martin, Esquires.

In Council,
Philadelphia, May 22, 1784.

Gentlemen,

We have this day received your letter of the Seventeenth instant, and have given the Intelligence it contains the consideration which its importance demands.

It appeared to us adviseable to confer with Mr. Bryan, the only Judge of the Supreme Court, at this time in town upon the subject. On this Conference it was our joint opinion, that the steps proper to be taken would be that the Magistrates and Sheriff of the County should exercise the authority vested in them by Law for preserving the peace, and apprehending, committing, and punishing those who break the same.

The other Judges of the Supreme Court are now on the circuit and will be at Sunbury, we expect the Beginning of the week after next.

We have written to them, desiring them, when they shall be there, to make the due enquiries thereupon, and direct the most effectual legal measures to be pursued for restoring and preserving the peace of the County. We have sometime ago ordered the Garrison at Wyoming to be discharged on or before the first day of next month.

I am Gentlemen, Your, &c.,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 98.]

No. 12.

PRES. DICKINSON TO MAGISTRATES AT AND NEAR WYOMING, 1784.

To the Magistrates at and near Wyoming, in Northumberland County.

In Council,
Philadelphia, May 22d, 1784.

Gentlemen,

We have this day received a letter from Messrs. Buyers, Gettig, Antes and Martin, of your County, complaining of great disturbances at Wyoming.*

* See Col. Rec., Vol. XIV., p. 116.

The magistrates near that place ought to have given us intelligence of these proceedings, and we now enjoin you to make every exertion in your power for restoring the peace of the County, and for preserving the same, any neglect on this head, will not only be a failure in the Duty you owe to the state but will most certainly be attended by consequences, that will too plainly evince the extreme Imprudence of such conduct.

I am, Gentlemen, Your
mo. obedient Servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 99.]

No. 13.

PRESIDENT DICKINSON TO JUDGES OF SUPREME COURT, 1784.

To the Hon. the Chief Justice, Mr. Justice Atlee, & Mr. Justice Rush.

In Council,
Philadelphia, May 22, 1784.

Gentlemen,

We have this day received a letter from Messrs. Buyers, Getting, Antes, & Martin, of Northumberland County, informing us of a very alarming disturbance of the peace, which may be attended with unhappy consequences if prudent steps are not immediately taken for preventing further mischief.

As you, Gentlemen, will be at Sunbury, we understand, the week after next, we desire that you will make use of the opportunity of being there, to make all due inquiries, and thereupon to direct the most effectual legal measures to be pursued for restoring and preserving the peace of the County.

With very great esteem,
I am, Gentlemen,
your mo. obed. & mo. humb. serv.,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 96.]

No. 14.

Pres. Dickinson to Judges of the Supreme Court, 1784.

To the Honble. the Judges of the Supreme Court, at Sunbury.

In Council,
Philadelphia, 25th May, 1784.

Gentlemen,

Last Saturday we wrote to you concerning the Disturbances in Northumberland Co. We have since received information from Colonel Moore and Captain Armstrong, by which it is confirmed that those disturbances have been occasioned by the fears & jealousies entertained on account of interfering claims of persons under Pennsylvania Rights and of Connecticut settlers. We have written to Col. Moore, informing him that we had desired you to make all due enquiries, and thereupon to direct the most effectual legal measures to be pursued for restoring and preserving the Peace of the County, and we have required him to give notice to the persons concerned, that they or some of them may attend at Sunbury on this business.

We rely much upon your prudence in advising such proceedings as will have the most happy tendency to promote the public tranquility.

We inclose a copy of a letter from the Minister of France to the President, of the 20th instant. That letter contains almost all the circumstances that are material. M. de Marbois is not only Consul General of France, but also Secretary of the Legation from that Kingdom. The offender has been in this State, we believe, about eight or nine months, and not more, and is married to a woman who owns some houses in this City.

He has been arrested on a Warrant issued by Mr. Justice Bryan, a copy of which is enclosed, and has been bailed by him upon a recognizance of one thousand Pounds by himself, and of five hundred pounds by each of two Freeholders. The Minister of France and the United Netherlands interest themselves in this affair in the most earnest manner. The consequences are likely to be extremely serious; but whatever they may be, however ardently disposed we are to manifest our Reverence for the Rights of Nations, and our grateful veneration for his most Christian Majesty, we cannot assent to any measures but what are justifiable by the Law of our Country.

We therefore desire as soon as possible your opinions on these two questions. First, whether under all the circumstances of this case, we can now legally seize the offender and imprison him until his Trial, or for a shorter period. Secondly, whether under all the circumstances of this case, we can legally deliver him to the Minister of France, according to the claim made by him?

You, Gentlemen, will perceive that the determination of these questions will turn particularly on these two points, that the laws of

Nations are part of our Common Law, and that we are vested with the Supreme Executive authority of the State. We inclose some observations on the subject by Mr. Wilson. We desire that you will favor with your answer by Express with all possible despatch.

I am, with great Esteem, Sir,
your most obed. and humble servant,
JOHN DICKINSON.

[Letter Book, Vol. IX., p. 103.]

No. 15.

PRESIDENT DICKINSON TO COLONEL JAMES MOORE, 1784.

Philadelphia, May 25, 1784.
In Council,

Sir,

We have received your despatches by Captain Armstrong. The Honorable the Chief Justice, Mr. Justice Atlee, and Mr. Justice Rush, will be at Sunbury the 31st of this month, & we have desired them "to use the opportunity of being there to make all due enquiries, & thereupon to direct the most effectual legal measures to be pursued for restoring and preserving the peace of the County." We therefore would have you to give notice of these circumstances to the Persons concerned in the late disturbances at Wyoming, so that they or some of them may attend at the time and place before mentioned, to give all proper information to the Judges. We have advanced ten pounds to Captain Armstrong upon your request, for which you are to be accountable.

I am, with great, regard, Sir,
your most obed. humble servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 104.]

No. 16.

JUDGES OF SUPREME COURT TO PRESIDENT DICKINSON, 1784.

To John Dickinson, Esquire, President.

Philada., July 3, 1784.

Sir,

In our letter to your Excellency from Reading, we mentioned generally what had been done respecting the unhappy transactions at Wyoming in May last. As several matters have occurred since

in the County of Northumberland, and from your concern manifested on this occasion, we conclude that you may wish to have more particular Information about this very disagreeable Business, we beg leave to trouble you and the Council with the perusal of the bundle of papers herewith handed to you, numbered from 1 to 21.

In addition, we would mention that Lieutenant Col. James Moore has entered into a Recognizance with good bail before the Chief Justice, to answer to the Indictment found against him and 44 others for a Riot and false imprisonment of divers Inhabitants at Wyoming, in the County of Northumberland. For the Case all the rest of the persons indicted for the same offence, as well as those indicted for the rescue from the under sheriff, we have instructed David Mead, Esq., one of the Justices of the Peace, &c., residing at Wyoming, to take the recognizances from them severally in five hundred pounds, with at least one good surety in Two hundred and fifty pounds, to appear and answer, &c., at the next Court of Oyer & Terminer and General Gaol delivery, to be held at Sunbury, for the County of Northumberland. We have reason to believe that most, if not all the parties will comply with this measure, and that Peace and Tranquility may be restored to that part of the State.

As Judges, we cannot determine who have been the first or the greatest aggressors in this Extraordinary violation of order and good Government until after the Trial, but we conceive it will be necessary to be very attentive to the conduct of the people in this part of the State for some time, and we beg leave to assure you that nothing shall be wanting on our part to protect the innocent and obedient, and to discountenance the Refractory, and to punish the Transgressors of the Laws. We embrace this opportunity to inform your Excellency that agreeable to the Reference of the Council of Maryland to send Henry Carberry to the sheriff of this city and county, and we should defray the Expence; and told him that this Request was grounded on the last clause in the fourth Article of the Confederation of the United States, and was the practice in this and some of the neighbouring States in such cases; but to this we have received no answer.

We profess ourselves to be,
with every mark of esteem, Sir,
your Excellency's and the Council's
most obedient humble servants,
THOS. McKEAN,
JACOB RUSH.

[Letter Book, Vol. I., p. 205–6.]

No. 17.

J. Wilson and W. Bradford, Jr., to President Dickinson 1784.

To His Excellency, John Dickinson, Esq.

Philadelphia, July 3d, 1784.

Sir,

We have the Honor of informing your Excellency and the Council of our Return from Annapolis, where we attended on behalf of the Commonwealth as agents and Counsellors in the Controversey respecting the private right of soil within this State, founded on a petition presented to the United States in Congress assembled, by Zebulon Butler, and others.

Early in the morning of the 28th ult., (the day appointed by Congress for the appearance of the parties in that suit) we arrived at Annapolis, and were informed that the Committee of the States were to meet that day at 11 o'clock A. M. Mr. Wilson being a delegate to Congress from this State, as well as Agent in that cause, it was thought most adviseable that he should take his seat in the Commitee in the Room of General Hand, who had before represented the Commonwealth there, and at the same time Mr. Bradford wrote a letter to the Hon. Mr. Hardy, Chairman of that Body, notifying him of the authority which was vested in him, and offering to appear in support of the Grantees claiming under Pennsylvania, agreeably to the Resolution of Congress of the 23d of January last. This letter, a copy of which is inclosed, was delivered agreeably to its Addresss, but there being no more than six States represented, no official answer could be returned. We continued at Annapolis that day, and finding that no Agents on the part of Zebulon Butler or others had arrived, nor even a Delegate or Counsellor from the State of Connecticut, and being of opinion that all the proceedings in this cause were discontinued, and that nothing further could be done without another application to Congress and new notice to the parties interested, we conceived it to be our duty to return to Pennsylvania and make these communications to your Excellency and the Honorable Supreme Executive Council.

We have the honor to be,

with the greatest respect,

your Excellency's most obed. servants,

JAMES WILSON.

WM. BRADFORD, Jun'r.

No. 18.

WM. BRADFORD, JR., TO HON. SAMUEL HARDY, CHAIRMAN OF THE COMMITTEE OF THE STATES, 1784.

Annapolis, June 28, 1784.

Sir,

Being appointed an Agent and Counsellor in the Controversy concerning the private Right of soil to Lands within the State of Pennsylvania, and in support of the grants held under that Commonwealth, I have the honor to inform you of my arrival in this city, and that I am now ready to appear before the Honorable Body in which you preside, agreeably to the Requisitions of the United States in Congress assembled, expressed in their Act of the twenty third of January last.

I have the honor to be,

with sentiments of the most perfect respect Sir,

your most obed. and very humble servant,

WM. BRADFORD. Jun.

[Letter Book, Vol. I., p. 208.]

No. 19.

SECRETARY ARMSTRONG TO ROBERT TRAIL, ESQ., 1784.

Philad'a, October 1, 1784.

Sir,

It is the sense of Council that the utmost vigilance be exerted in securing the remaining part of the prisoners in Easton Gaol as there is some reason to believe that some early attempt will be made to rescue them from their present situation. To effect this it is thought absolutely necessary, that none but people whom you know and can trust be permitted to communicate with them on any pretence whatever.

I am Sir with Respect

Your obedient & very humble servant,

JOHN ARMSTRONG, JR.

[Letter Book, Vol. II., p. 135.]

No. 20.

PRES. DICKINSON TO BRIGADIER GENERAL ARMSTRONG, 1784.

In Council,

Philadelphia, November 10, 1784.

Sir,

We laid before the General Assembly the dispatches, lately transmitted to us from Wyoming; and expect shortly to send you further advices, respecting the measures to be observed for restoring the peace of Northumberland County.

I am with high esteem

Sir, your most obedient

& most humble servant,

JOHN DICKINSON.

[Letter Book, Vol. II., p. 140.]

No. 21.

GOV. OF CONNECTICUT TO PRES. DICKINSON, 1784.

To His Excellency the President of the State of Pennsylvania.

Lyme, December 20, 1784.

Sir,

I have the Honor to inclose to your Excellency a Resolve of the Gen'l Assembly of the state of Connecticut upon the memorial of John Franklin & other settlers, Inhabitants and Claimants of certain lands at & near Wyoming, upon the River Susquehanna; by which you will observe I am requested to address Congress and the state of Pennsylvania, on the subject of their memorial.

We do highly approve of the Justice and Humanity of your state towards the widows and orphans of those who have fallen in the late war & cannot but hope and trust those eminent virtues will yet be rendered as conspicuous towards others equally meritorious, who have survived, altho they now complain loudly of a Contrary treatment.

You will not think it strange, Sir, who are acquainted with the feelings of human nature that the Calamities and sufferings of the settlers at Wyoming and parts adjacent should excite the compassion and even the Resentment of their friends and bretheren in other parts; nor that the state of Connecticut under whose Countenance and title thousands were induced to become Adventurers, to purchase

of the Indians, the native Right of Soil, to dispose of their property y here, and remove into that Wilderness Country, should feel herself interested in the Calamities and distresses of those people and endeavour in a legal and Constitutional method to obtain for them a Redress of their Grievances; especially as they were encouraged from hence, after the opinion given at Trenton however unexpected and surprizing to us, to submit to the Jurisdiction of Pennsylvania, put themselves under the protection of your Government and to have confidence in the justice and Humanity of your state, for a Confirmation of their just Rights and possessions; and as the settlers say they were at first greatly flattered in their Hope and Confidence by the measures adopted by Government; but to their great Mortification all those flattering Prospects are vanished, and every measure which appeared favourable to them hath been perverted by their Enemies, to seduce, disarm, ruin, and distress them, which they have endured without being able to obtain any Relief from your Government of Pennsylvania—That their sufferings are rendered intolerable and their case become desperate. This State from their confidence in the humanity of yours, admitted these complaints with Caution and Reluctance, until the Justice of them was confirmed by repeated Testimonies to be such; that your own Censors from principles of great impartiality and justice, were induced to remark with much severity on these measures of your state which have been the occasion of them.

Every state is answerable in some Respects for the Conduct of its Citizens, and whether the sufferings of the settlers at Wyoming have been with or without the privity of your Government or whether they are, what Government cannot or will not prevent or redress is equally the same to the sufferers.

The Rights of Citizens are sacred and of those the most important is, that they be not deprived of their lives, their liberties or their properties but by the judgment of their Peers and the laws of the Land.

Those Settlers [are] undoubtedly entitled to the Rights of Citizens and have the feelings of free men who may be easily led with reason, but hardly driven by oppression. Any violation of the Rights in these points, infringes the general Rights of all and is there not danger that this may induce others to make a common cause of their abuse.

As this state never meant, so I am well assured they never will in any unconstitutional way oppose the sentence passed at Trenton between this state and Pennsylvania, nor will they do any thing that shall be a just cause of interrupting the peace and Harmony of the Union; yet as a member of the Empire they ought to endeavour to preserve and maintain those constitutional Rights which are common to all citizens.

Those settlers have purchased those lands under the Countenance and Title of Connecticut, from the native proprietors for just and valuable considerations, they have settled and built upon them, have

inclosed and cleared them and for many years have defended them against the Common Enemy, and been a most important Barrier of defence to the interior country against the Savages. Ought they then, nay more shall they be deprived of their property and possessions by a military force, without Trial, and while their cause is in fact depending before the Congress of the United States? Humanity will not permit us to view with indifference even the suffering of an enemy much less with a Friend and neighbour, it operates beyond the reach of human laws to restrain, when excited by real objects of distress.

What I have to request in behalf of those settlers, and what this State expects from the Justice and Humanity of your state is that they be restored to their rightful properties and possessions, of which they have been forcibly deprived without a legal Trial and be allowed to enjoy the Rights of Citizens.

Whether their claims will eventually be judged to be well or ill founded is not so much to the present question, so long as they have a claim of right which they insist to have tried in a legal manner. Certainly it is a point of high importance and of general concern, that they be not deprived of their Rights and claims without a legal and constitutional Trial and decision.

I am with Esteem and respect

Your Excellencys most

obedient humble servant,*

MATTHEW GRISWOLD.

[Letter Book, Vol. I., page 288.]

No. 22

HON. HUGH WILLIAMSON TO PRES DICKINSON, 1785.

His Excellency John Dickinson, Esq., Pres.

Sir,

New York, Jany. 14th, 1785.

Yesterday Congress received a letter from the Governor of the State of Connecticut, dated the 24th December, 1784,† inclosing a Resolve of the General assembly of that State upon the memorial of John Franklin & others,‡ settlers & claimants of Lands, &c., to which the right of jurisdiction was lately in contest between the States of Connecticut and Pennsylvania.

The memoralists bring complaints against the Executive of the Citizens of Pennsylvania which are sufficiently pointed & bitter of

* See one dated 24th, to Pres. of Congress, No. 24, p. 451.

† See it, postea. No. 24.

‡ See Vol. X, p. 681–684.

which I shall not trouble you with a copy, as the paper is pretty long, and you may already have received such copy from Governor Griswold.

The act of Assembly transmitted to Congress is in the following words.

"Resolved by this Assembly that it is expedient for the memoralists to pursue their application to the congress of the United States, for a trial of their right of soil and possession agreeably to the ninth of the articles of confederation and that this state will countenance & patronize them in such application and trial, in order to obtain for them that Justice this state apprehends the memoralists are entitled to, and the delegates from this state in Congress are directed to give them all necessary assistance in the premises, and his Excellency the Governor is requested to address the Congress of the United States on the subject of their situation and sufferings and also address a full state of their claims &c., to the State of Pennsylvania, remonstrating against the Barbarities and cruelties exercised towards the memoralists and request a Redress of their greviences and a restoration of their Rights, properties and possessions under the protection of the Laws and Government of said State of Pennsylvania."

The lettter from the Governor of the State of Connecticut and the inclosed papers, are referred to a committee of the whole House which is to sit on Tuesday the twenty fourth instant.

If there had been any member present from the State of Pennsylvania, it would have been their duty to inform your Excellency of the Train in which this unpleasing but very serious business is placed and they would doubtless, in a more clear and pointed manner than I have been able to do it, have justified the State in shewing that her late conduct on this very head is a full proof that she is by no means inattentive to the cries of those who complain.

As you may probably wish to be represented in Congress when the Letter and other papers from Connecticut are to be considered or may at least wish that Congress be fully informed of the late as well as the former proceedings of the Executive and Legislative of Pennsylvania respecting those Susquehanna claimants, I have taken the liberty of giving you the above information as I cannot cease to feel myself interested in the Peace and Reputation of a State which gave me Birth.

I have the honor to be,
with the utmost Regard, Sir,
Your most obedient,
& very humble servant,

HUGH WILLIAMSON.*

[Letter Book, Vol. I., p. 287.]

* See Pres. Dickinson's answer to this, in Vol., X., p. 397, where the writer's name is misprinted *Williams*.

No. 23.

Hon. Joseph Gardner to Pres. Dickinson, 1785.

To His Excellency John Dickinson Esq., Pres.

New York, Jany. 19, 1785.

Sir,

Herewith I have the Honor to enclose to your Excellency a copy of three papers presented by the Delegates of Connecticut in Congres tending to revive the old dispute between the two states. I did not arrive here till yesterday afternoon, consequently had it not in my power to transmit copies earlier, it will be impossible for Council to forward such papers & information upon that subject before the day it is ordered for consideration in a committee of the whole which you will observe by the indorsement, but suppose it will not be attended with difficulty to get it postponed until the papers can be received. I hope your Excellency and the Council will see the necessity of forwarding all the information in your power upon this subject since the decree of Trenton as soon as possible. Mr. Henry is not yet arrived—should he not have left Philadelphia Council will have it in their power to avail themselves of giving him every verbal information, and of a safe conveyance by him.

I have the Honor to be,
Your Excellency's and Council's,
very humble serveant,
JOSEPH GARDNER.

No. 24.

Governor of Connecticut to Congress, 1784.

Lyme, December 24, 1784.

Sir,

I have the honor to transmit to your Excellency a Resolve of the General Assembly of the State of Connecticut upon the memorial of John Franklin and others,* settlers and claimants of lands at Wyoming and parts adjacent on the River Susquehanna, to which the Right of jurisdiction was lately in contest between the States of Connecticut and Pennsylvania. It is not for me, and indeed, it would be improper to give any opinion with Respect to the merits of their claim in the stage of it while depending before your Honors. But this much is evident, that they ground their Title upon a purchase made from the Indians. The native proprietors of the lands many years ago under the jurisdiction and countenance of the colony of Connecticut in virtue of their charter from King Charles the second near Twenty years prior to the patent made to William Penn which scarcely left room for a doubt concerning their Title, and in this confidence which was supported and encouraged by this

* See Vol. X., p. 681–684.

state, then colony, then asserting their Right to the said Territory, in pursuance of advice from the ablest Council in England and actually extending and exercising Jurisdiction over it for many years—the settlers parted with their property here and removed with their families into that country, then a wilderness, where they have at vast Expense built themselves houses, and extended their improvements—suffered every imaginable hardship, and braved innumerable dangers, have been an important barrier to the interior country, and in other ways rendered most essential services to these states in the late bloody contest with Great Britain. To deprive them of their properties and the fruits of their labors without a hearing or Trial in consequence of the decree of Trenton would be unprecedented and injurious when that court specially saved to them the Right of having a trial on the merits of their Title notwithstanding their determination between the States.

Congress have been pleased, upon their application to assign a day for the appearance of the parties, for the purpose of constituting a court agreeable to the ninth article of confederation which day happened as I am informed in the recess of Congress, and the Committee of the states, and so nothing further was done.

The unhappy distressed situation of the claimers, the illiberal and impolitic, I might have said cruel and barbarous treatments they complain to have received from the state and people of Pennsylvania must excite the compasssion and Justice of every human breast and are fresh and cogent Reasons for bringing this unhappy controversy to a constitutional and speedy decision, and that they should be restored to their Rights, properties and Possessions of which they have been forcibly [deprived] and that even while their suit has been depending in Congress, and that all proceedings against them be prohibited until their claim shall be finally determined. These claimers most assuredly are freemen and citizens and without regarding their merits and sufferings, intitled to have their claims tried in a legal and constitutional manner, all which is submitted to the wisdom and Justice of Congress, not doubting but such constitutional measures will be adopted and pursued as shall be necessary for the promotion of Justice and for the relief of the oppressed and for the preservation of Peace and Harmony.

I have the Honor to be,
with great Esteem and Regard,
Your Excellency's most obedient,
humble servant,
MATTHEW GRISWOLD.*

Directed,

His Excellency, The President of the Congress of the United States, copy by Joseph Gardner.

[Letter Book, Vol. I. p. 295—297.]

* See one of same date from him to Pres. Dickinson, on page 447.

No. 25.

EXTRACT, JOS. GARDNER TO PRES. DICKINSON, 1785.

To his Excellency John Dickinson, Esq.

New York, Jany. 27, 1785.

Sir,

Mr. Henry arrived here last Monday afternoon, and brought with him copiesof the proceedings of the Government of Pennsylvania, relating to the Wyoming dispute since the decree at Trenton and also Your Excellency's letter.

His arrival was very seasonable. The next day having been appointed for debating it in Committee of the whole House. But as neither of us could possibly in so short a time be fully possessed of the history of the facts we got it postponed and hope that it will not be revived at an early day.

Your Excellency's,
very humble Servants,
WILLIAM HENRY,
JOS. GARDNER.

[Letter Book, Vol. I. p. 301.]

No. 26.

JAMES WILSON TO PRES. DICKINSON, 1785.

To His Excell'y, John Dickinson, Esq.

New York, Feb'y 26th, 1785,

Sir,

The Controversy respecting the settlements at Wyoming depends before Congress in a very disadvantageous state of suspence. I think that both the Interest and the Honor of Pennsylvania require, that a speedy and explicit decision should be had upon the complaints and representations which have been made against her. As far as I can learn those who style themselves Claimants under the state of Connecticut have not appointed or instructed any person to advocate or support their pretensions; and no attempts have been lately made to bring them forward. While matters continue in this undetermined situation, those people may flatter themselves and represent to others, that the complaints laid before Congress stand uncontradicted, and that there may still be a favor able adjudication upon them. It is easy to forsee what a pernicious effect such sentiments will have upon the settlements in that part of the country. For these Reasons, I beg leave to express my opinion

that no time should be lost by the state in instructing its Delegates to press Congress for a decision on the complaints and the memorial now before them. In some conversations I have had with Governor Clinton, the actual running and marking the line between Pennsylvania and New York has appeared to us to be a measure of much importance to both sides, and which in the present Juncture may be easily accomplished. His Excellency has recommended the measure to the Legislature of this state; and a Bill for the purpose has already passed the Senate; There is no doubt but it will be agreed to by the Assembly and become a Law. It is of much Consequence, that a similar Law be made by the Legislature of Pennsylvania during the present session, so that the Commissioners under both states may be able to proceed on the Business in the spring. This would have a happy effect in convincing people on the spot, that all the Land in that country belongs either to Pennsylvania or New York.

I have the honor to be,
Your Excellency's most
obedient and very
humble servant,
JAMES WILSON.

No. 27.

DAVID MEAD TO PRES. DICKINSON, 1785.

To His Excellency, The Pres. & Sup. Exec. Council.

Wyoming, July 6th, 1785.

Gentlemen,

The most deplorable situation of this part of the state once more induces me to address you on the subject. I dread to think of an idea of the want of energy in Pennsylvania so great and reputable a state, to permit all manner of disorder so long to be continued, without supporting their Laws. For my part I consider myself a member of the Society and that I have a right to claim your protection as such—my life is now every minute in danger and has been for some time; my property is much of it taken from me by violence, and the remainder every minute at stake. I have claimed the protection of government as yet in vain. I have taken process though to no purpose. The Sheriff neither will nor can do his duty, but acts the part of a villain.

That instead of being able to execute my office, I am obliged to keep a number of armed men around about my house for its protec-

tion, I really cannot as yet be reconciled, to evacuate for the villains without your advice, though the expence of standing in this manner is too much for me to bear. A notorious Riot was committed yesterday by about a dozen men, armed, &c., when I called on deponent Sheriff Meyers to take aid and apprehend the offenders, who appeared and made a faint attempt without success, the disorder continued—this day while I am writing, about twenty armed men are now before my Door mowing my meadow, removing my fences, &c., keeping up the Indian yell; my hands beat and abused with many stripes before they could escape. A General meeting of the Inhabitants was held on Saturday last, when it was Resolved by them without one dissenting voice, that the Laws of Pennsylvania could not be submitted to, that myself and the other few inhabitants who are any way attached to the state to be expelled. Some information of which I have with difficulty obtained and transmitted to the honorable Chief Justice.

My Harvest hay and Grains of every sort I expect will be destroyed, though my possessions are all legally obtained in the year 1783. Considerable part relinquished in the most formal manner, and Lands granted in Lieu by the State. My dog shot down at the door, just while I conclude this Letter. I write in haste, while I remain wish every sentiment of Respect,

Your humble servant,

DAVID MEAD.*

[Letter B. Vol. I., p. 336.]

No. 28.

DAVID MEAD TO PRES. DICKINSON, 1785.

To His Excell'y, the Pres. & the Sup. Exec. C.

Wyoming, July 7, 1785.

Gentlemen,

I am now obliged to beg the immediate interposition of Government for my relief. I am now besieged by those desperate villains, with their cannon drawn up, &c. I have only four men besides my own family—tho' all brave and determined not to fall a sacrifice in their hands while we have life. Therefore in expectation of your immediate relief we have spirit to act on the defensive order, until that arrives, or we lose our lives. My other dog was shot last night, after the other Express left this. I am in haste. You please to

* See Vol. X., p. 482, (where it is referred to as dated 5th.)

examine the Express, and reimburse him his Expences. I add no more at present, while I remain with every sentiment of respect,

Your much distressed &
obedient humble servant,
DAVID MEAD.*

[Letter B., Vol. I., p. 337]

No. 29.

DELEGATES IN CONGRESS TO PRES. DICKINSON, 1785.

To His Excellency the President & the Honorable Supreme Executive Council.

New York, Decem. 31, 1785.

Sir,

We think it our duty to communicate to your Excellency & the Honorable Council the intelligence we have this day received from his Excellency, Governor Clinton, which is,

That he has been informed of undoubted authority, that a large quantity of powder and lead has lately been purchased and lodged at Fishkiln with a view of transporting it to the Susquehanna.

That the quantity vastly exceeds what is necessary for the peaceable and ordinary consumption of the country, and that there remains no doubt of its being intended during the course of this winter to be transported to Wyoming. The Governor is not at liberty to give us the name of this informants, but assures us we may depend upon the truth of his information, and, added—had we not been here as Representatives of the state, he should have thought it his duty to have given Your Excellency the above information.

We have not yet been favoured with the act passed by our Assembly respecting the settlers at Wyoming, but doubt not of the wisdom and propriety of it.

We wish only to suggest the necessity of the state being well informed with respect to the views of these deluded people, and suggest the propriety of Council directing us to employ a proper person or persons, to watch the movements of these stores, and give the earliest intelligence thereof to Government.

We shall carefully attend to your Excellency and Council's directions on this and every other business, you may see proper to charge us with, and are with the greatest respect and esteem,

Your Excellency's most obedient
and very humble servants,
JOHN BAYARD,
CHARLES PETTIT.†

[Letter Book, Vol. I., p. 365.]

* See Vol. X., p. 482.

† See answer, January 6, 1786. Next page.

No. 30.

PRESIDENT DICKINSON TO DELEGATES IN CONGRESS, 1786.

To the Honorable John Bayard & Charles Pettit, Esquires.

In Council,
Philadelphia, January 6th, 1786.

Gentlemen,

Your letter of the thirty first of December was not received till yesterday evening—it was this morning laid before the Board, and I have now to request that you will be pleased to take such steps for watching the progress of the stores through the States of New York and the Jerseys, and for their eventual seizure in this State, as you will, under such fresh information as may be received, think most proper. We should on our part have taken some measures for executing the latter part of this object, could we have ascertained with any degree of precision the time or place of their arrival in this State, but as both are rendered so extremely uncertain from the various routes by which they may be moved, and other circumstances, we have upon the whole thought it most proper to commit the Business entirely to you.

Any Expence which may be incurred in this Business, will be immediately discharged upon the receipt of your order.

You will be good enough to make our acknowledgments to Governor Clinton for the early information which he was pleased to give upon this subject, and to accept our thanks for the readiness with which you undertake to execute the orders of Council upon it.

I am, Gentlemen,
with the highest regard,
your obedient & very humble servant,
CHARLES BIDDLE, Vice Presid't.*

[Letter Book, Vol. II., p. 188.]

No. 31.

SECRETARY ARMSTRONG TO ALEXANDER PATTERSON, 1786.

To Alexander Patterson, Esq.

Secretary's Office,
Philada., Jan'y 12, 1786.

Sir,

Council has received advice that the Connecticut Claimants at Wyoming have now in store at Fishkill, in the State of New York, a large quantity of military stores, which it is presumed they mean

* See page 456.

to convey as early as possible to the Susquehanna, in prosecution of their absurd and iniquitous system of opposition to the laws of this Commonwealth. Under these circumstances, Council has thought proper to authorize you to take such steps for seizing these stores in their progress through Northampton County as your own prudence and knowledge of the country may suggest. I need scarcely observe that the most profound secrecy will be necessary to the success of this design, and that if from the variety of routes by which they may be carried, the communication of it to some second person should become unavoidable, you will make choice of one in whose secrecy and understanding you can safely confide. When seized, you will take measures for carrying them to Easton, or some other place of security, where they will remain subject to the future directions of this Board.

In executing this Trust it may be necessary for you to engage the assistance of some few hands at a moderate daily pay. You must take care that they be as few in number as may be consistent with the nature of the Business. This and such other expence as will attend it, shall be discharged on your presenting an account of them.

I am, Sir,

your obedient humble servant,

JOHN ARMSTRONG, Junr.,*

Sec'y.

[Letter Book, Vol. II., p. 189.]

No. 32.

SECRETARY BIDDDE TO JAMES ROSS, 1787.

In Council,

Philadelphia, October 5th, 1787.

Sir,

Council have ordered that fifty stand of arms belonging to the State be delivered by you to Mr. Hollenback.†

I am, Sir,

your obedient, humble servant,

CHARLES BIDDLE,

V. President.

Indorsed,

1787, October 5th, To the Lieutenant of the County of Lancaster, James Ross.

* See pages 456, 457.

† See Col. Rec., Vol. XV., p. 289, and p. 192 of this.

No. 33.

SECRETARY BIDDLE TO Z. BUTLER, LIEUTENANT OF LUZERNE CO.,—WYOMING—1787.

In Council,
Philadelphia, October 5th, 1787.

Sir,

Council have sent you fifty stand of arms, one hundred wt. of powder, and three hundred wt. of lead, to be put into the hands of such persons as you and the Comms. may be of opinion are best affected to the State.

I am, Sir,
your obedient and very humble servant,
CHARLES BIDDLE,*
V. President.

Indorsed,
To Zebulon Butler, Lieutenant of Luzerne County.

No. 34.

SECRETARY BIDDLE TO D. REDICK,—WYOMING—1787.

In Council, Philadelphia, October 8th, 1787.

Sir,

We send you several letters received this day from Luzerne—by those letters you will perceive that Hamilton and Benton have been doing every thing in their power to disturb the peace of this Government. The Insurgents appear to repent of their rash proceedings—however, to keep peace in that County, we think it will be necessary to send a few militia, to be stationed at Tioga and Wilksbarre. If the Government of New York would send a few men to Newtown, to act with those we send to Tioga, it would preserve the peace of both States. After you have perused the letters we send you, and shewn them to the Gov. of N. Y., you will please to send them back.

I am, Sir,
your obedient and very humble servant,
CHARLES BIDDLE, V. P.

Directed,
Honorable David Redick, Esquire, member of the Council of Pennsylvania, at New York.

[Letter Book, Vol. II., p. 206.]

* See Col. Rec., Vol. XV., p. 289—and p. 192 of this.

No. 35.

PRES. FRANKLIN, TO DELEGATES IN CONGRESS, 1787.

In Council, Philadelphia October 20th, 1787.

Gentlemen,

Your letter of the 18th is received, containing the pleasing intelligence of the apprehending of Hamilton with his papers. The Council are extremly sensible of Governor Clinton's very neighborly and friendly conduct on this occasion, and desire you would express their thanks to his Excellency in the strongest terms, and they leave entirely to his judgment the expedience of admitting the prisoner to Bail, only wishing that if he is permitted to go back to Hudson, some measures may be taken there to watch and intercept his future correspondence, and that we may as soon as convenient be favoured with copies of such parts of the past as you may think of importance.

I am with sincere,
and great Esteem,
Gentlemen, your most obedient,
and most humble servant,
BENJAMIN FRANKLIN.

Hon. Arthur St. Clair, William Irwine, & John Armstrong.*

[Letter Book, Vol. II. p. 208.]

No. 36.

V. P. MUHLENBERG TO STEPHEN BALLIET, ESQ., AND MAJOR WILLIAM ARMSTRONG, 1788.

In Council, Phila. June,† 1788.

Gentlmen,

The General Assembly by their Resolution of the 27th of March last having directed the Supreme Executive Council in the following words to wit :

State of Pennsylvania, In General Assembly,

Tuesday March 27th, 1788, A. M.

On motion of M. McLene seconded by Mr. Kennedy, Resolved, That the Supreme Executive Council be and they are hereby authorized and directed, to advise and take the most proper and effectual

* See Col. Rec., V. XV., p. 300.

† Date not filled up, but probably 12th or 13th. See Col. Rec., Vol. XV., p. 455, 472. Also 260, and 304 of of this Vol. where a portion of this without the law is printed. They were appointed Commissioners May 14th,

measures to ascertain the quantity and quality of each particular Tract of land included within the Townships of Salem, Newport, Hanover, Wilkesbarre, Pittstown, Northmoreland, Putnam, Mishoppen, Springfield, Claverick, Ulster, Exeter, Kingstown, Plymouth, Huntingdon, Bedford and Providence in the County of Luzerne and claimed by Pennsylvania owners, and report to this House at their next sitting that the House may (the better) be enabled to decide upon the compensation to be made to them." And Council considering it their duty to carry into effect the measures contained in the said resolution by the appointment of the two discreet persons whose business it should be to view the Lands comprehended therein, and make a true report, they hereby commissionated you for those purposes requesting you would proceed without delay to the county of Luzerne and consult Messrs Montgomery and Gray deputy surveyors of that County, who are instructed to assist you with all drafts and surveys and any useful information or advice in their power; Col. Pickering also the clerk of the Court of Sessions will furnish you with descriptions of the Townships, comprehended in the resolution of the House of Assembly.—In full expectation that you will compass the business will all necessary care and dispatch so as that the Board may be enabled by your report principally to comply with the intention of the Legislature, I heartily wish you health and success, &c.,

I am Gentlemen,
with great respect, you obedient,
and very humble servant,
V. P. MUHLENBERG, V. P.

[Letter Book, Vol. II. p. 218.]

The following No. 1 to No. 35, contain a part* of the Correspondence respecting Marbois and Longchamps.

No. 1.

MONS. DE MARBOIS TO PRES. DICKINSON—LONGCHAMPS, 1784.

Philadelphia, May 17, 1784.

Sir,

I think proper for your Excellency's private Information to let you know, that to-day in the afternoon a French Gentleman called Le Chevalier de Longschamps begged for me to recognize some papers concerning his Birth and character—The object of his Request being out of the Circle of my functions, I refused it upon

* For more of it, see Vol. X.

which he left my Room, using Insolence and abusive Expressions and menaces.—There is no actual occasion to take notice of this conduct usual in people of warm passions when disappointed.—But I thought necessary that you should eventually be informed of the circumstance.

I am with perfect Respect,
Your Excellency's very humble,
and obedient servant,
DE MARBOIS.

[Letter Book, Vol. I., p. 167.]

No. 2.

CHEVALIER DE LA LUZERNE TO PRES. DICKINSON—LONGCHAMPS, 1784.

Translation,

Philadelphia, May 19, 1784.

Sir,

I have recourse to your Excellency to obtain satisfaction of a violation of the Rights of nations which requires the immediate Interposition of your Authority.

A French adventurer whose name is Longchamps, and who stiles himself the Chevalier de Longchamps having left France for some bad Transaction, established himself since some time in this Town. He was implicated some months ago in an affair relating to the theft of a watch chain, but the Judges having not found him guilty they delivered him a certificate in form. He presented himself before the Consul of his Majesty and begged him to certify the signature of the American Judge, which Mr. De Marbois did without any difficulty. I mention this circumstance, because it appears that this induced Longchamps to believe that he would meet with the same Facility for other acts of more Importance. Towards the same time he married. Before or after his marriage he waited upon me desiring that I might examine his papers, receive him in my house, and afford him my protection. I looked at his papers and informed of some circumstances of his past life, I told him that I could by no means take notice of his affairs unless he brought me a letter from the minister. I communicated my answer to Mr. De Marbois, that he might conform himself to it, some dissagreeable Reports having been published against him, and the Gazettes containing different Paragraphs to his disadvantage he went to the consul

and begged him to examine his papers, to certify some Titles he pretended to have, and to give him such Testimonies, as to established his character. Mr. De Marbois refused it in the same manner I had done. Longchamps engaged Major McPherson, a relation to the lady he married and some other persons to solicit the Consul in his favour, Mr. De Marbois having constantly declined it, Longchamps came himself the morning before last, and according to the account given by the Consul, spoke to him in the most indecent manner; Mr. De Marbois answered nothing else, but that he could not interfere with his affairs, unless he presented him a letter from the Minister. Longchamps replied by some injurious Expressions. Mr. De Marbois ordered him to quit the house, Longchamps left him uttering several threatnings which I heard in my Room. I went out and called him back to ask the reasons of his insolence, but he left the house as fast as he could.

In the same moment Mr. De Marbois wrote a letter to your Excellency in order to inform you of what had passed, and this Letter itself is a proof of his great moderation. You were so kind as to order Longchamps to appear before you. But it appears that notwithstanding your exhortation he was not less inclined to commit some violence. There is therefore no doubt but the extremity to which he went just now was entirely premeditated.

This morning Mr. De Marbois being gone out at my request to make some arrangements with the owners of the ship in which I am to embark for France, he saw Longchamps coming towards him, and calling him to an account for his refusal. Mr. De Marbois replied "if you are an American, and have some complaints against me, apply to the magistrates of the State; if you are a Frenchman you may address the Chevalier de la Luzerne or the Ministry of France." The expressions of Longchamps being very insolent, the people assembled, and some Frenchmen amongst them. Mr De Marbois says that in that moment Longchamps raised his voice, and redoubled his injuries. According to the legal depositions of those who understood the French, Mr. De Marbois replied to those Injuries, I shall address the public Authority, and as he was going Longchamps struck him with his cane, the cane of M. De Marbois, the Consul retreated some steps in order to defend himself, Longchamps struck him, and in the same instant Mr. De Marbois rushed upon him and broke his cane upon his back, Longchamps exclaimed, give me a gun, I must have a gun, but the people surrounded and stopped his violence.

This Sir, is the true account of an Injury done to a public person, whom you honor with your particular esteem and Friendship, and who during a Residence of five years in this city has drawn upon him the affection and confidence of every citizen. This injury is committed by a Frenchman without character, who gives himself for a noble man, though he is the nephew of the wife of my steward, and who had pressed the Consul to deliver him acts to establish his

Reputation, that is to deceive the Inhabitants of Philadelphia. You know sir, that it is the opinion of people who are badly informed that the greatest license prevails in this city. This consideration attracts a number of low adventurers who unaccustomed to the respect due to law, and Enemys of every establishment calculated to maintain good order. It is of the greatest Importance for the security of all those who shall reside here in a public character that an outrage of this kind be severely punished. There would be no security for us if we were exposed to the Insults and violence of people who request acts and compliances which we are not allowed to grant. These insolent Expressions which this man has uttered in my house the seventeenth, a part of which I have heard myself, and the whole of which has been heard by my secretaries from the beginning to the end of the conversation are a violation of the privileges of my lodging and the Respect which is due to it. At the Request of the Consul I did not then take any steps to vindicate it, and when the eighteenth you proposed to oblige Longchamps, to give securities for his good conduct, Mr. De Marbois begged you not to pursue this affair any more as he expected that your Exhortations had recalled this man to his duty. I request to day that for Reparation of all these Excesses and outrages this man, who calls himself an officer in the Troops of his majesty, who wears the uniform of a French Regiment and who came in my house in this dress be seized. I claim him as a Frenchman that he be sent back to France in conformity to the ordinances of the King, which I have had the honor to communicate to your Excellency and that he be punished, according to the Laws of the Kingdom.

I have the honour to be,
with sentiments of Respect,
Your Excellency's most obedt.
and humble servant,
CHEVALIER DE LA LUZERNE.

[Letter Book, Vol. I., p. 178.]

No. 3.

PRES. DICKINSON TO THE MINISTER OF FRANCE,—LONGCHAMPS, 1784.

In Council, Philadelphia, 20th May 1784.

We have received you letter of the nineteenth† and highly resent the outrages therein mentioned.

In consequence of the direction given yesterday by the president

* See May 21, also Col. Rec., Vol. XV., pp. 115–116.
† See page 462. Also Col. Rec., Vol. XIV., p. 116.

a warrant was issued for arresting the offender, but he concealed himself as we are informed, and has not yet been seized. We have this day made the strictest injunctions for this purpose and hope they will be attended with success.—If they should not we shall publish a proclamation offering a large reward to any person, who shall apprehend him and secure his person.

Every step which the Laws of the State will permit for the reparation of these excesses shall be pursued and we shall endeavour to demonstrate the sincerity and sensibility with which we attend to this application

I have the honour to be,
with a very great Esteem, Sir,
your most obedient, and
most humble Servant,

JOHN DICKINSON.

[Letter Book, Vol. II. page 95.]

No. 4.

PRES. DICKINSON TO THE MINISTER OF FRANCE,—LONGCHAMPS, 1784.

In Council, Philadelphia, May 21 1784.

Sir,

Having understood that one of the Judges of the Supreme Court was lately returned from the circuit, we have seen him this day and required him to issue a warrant for the apprehension of the person who assaulted Mr. De Marbois, and to give proper directions for its immediate and effectual execution. The doors of the House will for this purpose be broke open, if it be necessary.

With a very respectful attachment,
I am Sir, Your most obedient humble servant,

JOHN DICKINSON.

[Letter Book, Vol. II., p. 97.]

No. 5.

MINISTER OF FRANCE TO PRES. DICKINSON—LONGCHAMPS—1784.

Translation.

Philadelphia, 22d May, 1784.

Sir,

I have received the Letter which your Excellency did me the honor to write to me on yesterday, the twenty-first instant. I had been assured that Mr. Longchamps appeared in town and went to and from his home without any difficulty. I was doubtful of the fact, but I have been informed, beyond even a shadow of doubt, that the man has lately been seen before Mr. Ross's house, in Front street, dressed in His Uniform and wearing a cross or order which he has commonly about him. He was going towards Spruce street. I am pursuaded that this fact will appear as extraordinary to you as to me.

I have the honor to be with a respectful attachment, Sir,

Your Excellency's most

ob. & mo. hum. servt.,

LE CH'R DE LA LUZERNE.*

[Letter Book, Vol. I., p. 169.]

No. 6.

PRES. DICKINSON TO THE MINISTER OF FRANCE—LONGCHAMPS, 1784.

In Council,

Philadelphia, May 22d, 1784.

Sir,

This moment we had the honor of receiving your letter of to-day, and just before it came to our hands the Judge of the Supreme Court had informed us, that he had issued his warrant and that a person had been arrested and bailed.

Thus his personal appearance is so secured that we can punish him; whether the Constitution and laws of this state will authorize us to deliver him up according to the Requisition that has been made is a point of moment that demands an attention to some Facts, and much consideration; we wish to consult the Judges of

* See Col. Rec., Vol. XIV., p. 117.

the Supreme Court upon the case; and they are not expected to return from the circuit for some time.

Immediately after a conference with them, our decision will be made & whatever it may be, we trust, either by the desired compliance, or by the infliction of an exemplary punishment, it will evince that the Laws of Nations are properly vindicated in this State.

With a very great Esteem,
I have the honor to be, Sir,
Your most obedient and
most humble Servant,
JOHN DICKINSON.*

[Letter Book, Vol. II., p. 96.]

No. 7.

PRES. DICKINSON TO THE ATTORNEY GENERAL—LONGCHAMPS, 1784.

In Council,
Philadelphia, May 25, 1784.

Sir,

The Judges will acquaint you with the disagreeable affair that has lately happened in this City. If they should be of opinion that the offender cannot legally be delivered up, according to the Requisition, that has been made, we desire that you will then prosecute him in such a manner that with all possible dispatch, he may be sentenced to suffer a condign punishment, and so, that thereby the Honor of this State and the Law of Nations may be properly vindicated.

I am, with great esteem,
Sir, Your most obedient
humble servant,
JOHN DICKINSON.

[Letter B., II., p. 99.]

* See Col. Rec., Vol. XIV., p. 117.

No. 8.

PRES. DICKINSON TO THE MINISTER OF FRANCE—LONGCHAMPS, 1784.

In Council,
Philadelphia, May 25, 1784.

Sir,

The President communicated to us yesterday, the subject of the Conference of last Saturday, and to expedite as much as we possibly can the decision upon an affair of such moment; We shall this day send an Express to the absent judges of the Supreme Court with a full state of the Facts for their judgment.

Our grateful veneration for his most Christian Majesty, and a due regard for the Law of Nations will impel us to make every exertion in our power, for prosecuting this business in a satisfactory manner.

At the same time we are pursuaded, that informed as you, Sir, are of the Laws of this Commonwealth and the novelty of this case among us considered, your goodness will induce you to make proper allowances for our modes of proceeding. If these which we are now pursuing, shall not soon accomplish an adequate reparation for the outrages that have been committed, we will call the General Assembly together, that the Supreme Legislative Authority may be employed in fully vindicating the Honor of the State and the Law of Nations.

With great Esteem,
I have the honor to be,
Sir, Your most obedient
and most humble servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 100.]

No. 9.

PRES. DICKINSON TO MINISTER OF UNITED NETHERLANDS—LONGCHAMPS, 1784.

To the Minister of the United Netherlands.

In Council,
Philadelphia, May 25, 1784.

Sir,

The President having informed us of the Conference which he had the honor of holding with you, to express our great concern and resetment on account of the outrages lately offered to the Sieur de

Marbois Consul General of France, and Secretary of the Legation from that kingdom.

We have already taken several steps in this business and are determined to pursue every measure in our power for vindicating the law of Nations by an adequate Reparation for the excesses that have been committed.

I have the honor to be,
with the greatest esteem,
Your most obed. &
mo. humb. servt.,
JOHN DICKINSON.*

[Letter Book, Vol. II., p. 103.]

No. 10.

MINISTER OF FRANCE TO PRES. DICKINSON,—LONGCHAMPS, 1788.

The minister of France presents his respectful compliments to his Excellency, the President, He just was at his house to present him his thanks, but having not found his Excellency at home, he begs to be informed whether he can have the Honor to wait upon him this evening between six and seven o'clock."

"Friday noon."

[Letter, Book Vol., I. p. 174.]

Sheriff To his Excellency John Dickinson, Esq.,

New Gaol, May 27, 1784, five o'clock.

Sir,

I take the liberty by this method to acquaint your Excellency, that the Body of Charles Julien de Longchamps hath this day been committed to my custody by Bail piece, at the instance of Mr. Philip Weiss of the city of Philadelphia for an assault &c., committed on the Honorable Francis Barbe, de Marbois, Consul of France, and Secretary of the Legation of said Kingdom, and is now confined in the new Jail of the city and County of Philadelphia, upon the warrant of the Honorable George Bryan Esq., Judge of the Supreme court of the State of Pennsylvania, to which purport due Return shall be made to the honorable the Executive Council by your Excellencys most humble servant.

THOMAS PROCTER, Sheriff.

[Letter Book, Vol. I., p. 174.]

* See letter to the judges—May 25.

No. 11.

To the Minister of the United Netherlands, 1784.

In Council, Philadelphia, May 27, 1784,

Sir

We have the honor of informing you that the sheriff of this city and County has reported to us this day, that the person, who lately insulted the Consul General of France, is confined in the Common prison upon the warrant of one of the Judges of the Supreme Court and that we have ordered the sheriff to detain him in prison.

This step we trust will be considered as an Evidence of our Resolution to assert the laws of nations and properly to animadvert upon the temerity of those who presume in this State to violate the Rights and Priveleges of Public ministers.

With sentiments of perfect Esteem,
I have the honor to be Sir,
Your most obed. most humble servt.
JOHN DICKINSON.

[Letter Book, Vol. II., p. 105.]

No. 12.

Pres. Dickinson to the Minister of France,—Longchamps, 1784.

In Council, Philadelphia, May 27th, 1784.

Sir,

I have the honor of informing you that the sheriff* of this city and County has this moment reported to us that the Body of Charles Julien de Longchamps is now confined in the common prison in this city, upon the warrant of one of the Judges of the Honble the Supreme court of this commonwealth for the Assault upon Mr. de Marbois.

We have commanded the sheriff by an order given in Council under the hand of the President and the seal of the State to detain the offender in prison. This is our determined and unanimous resolution, with all our powers to prosecute this business for effecting an ample reparation. You sir, who have intrusted our ardent desire upon this unhappy occasion to assert the law of nations to certify the extreme attachment of our Fellow citizens and ourselves to his most christian majesty, and our lively resentment of the outrages offered in this state to a person so justly and universally esteemed, as Mr. De Marbois is amongst us for his distinguished merit and good

* See Col. Rec., Vol. XIV., pp. 120, 121.

conduct will readily conceive the sincere pleasure with which this communication is made.

I am with the most respectful Regard, sir,
your most obedient, and most humble servt.
JOHN DICKINSON.

[Letter Book, Vol. II. p. 108.]

No. 13.

Mons. De Marbois to the President of the State—Longchamps, 1784.

Monsieur de Marbois to his Excellency the president of the State.
Philadelphia, 27th May, 1784.

Sir,

I have received the note which your Excellency honored me with yesterday, demanding my deposition respecting the Excesses committed at the house of the Chevalier de la Luzerne. I beg you will be pleased to observe that when I made my first deposition before the two Pennsylvanian Judges, who came to receive it in my apartment, it was not yet known whether Mr. Longchamps had become a citizen of the State, that besides it was necessary to prevent his flight, and that it was not a moment to be too nice about Forms, now, it is certain that the man has only resided in America, since September last, and that he is the king's subject. The Chevalier de la Luzerne claims him as such, and he has in his Letter of the 19th informed your Excellency of the causes on which he grounds his claim, all further deposition is consequently superfluous and unusual. His majesty's minister however consents for this once, which is not to be a precedent, to my making the desired deposition, and I shall expect the magistrate this morning, as you desire it.

I am with Respect Sir,
your Excellency's most obedient,
and most humble servant,
DE MARBOIS.

We Consul General of France, with the Thirteen United States of America and Consul for the state of Pennsylvania, Certify to all whom it may concern, that on the Seventeenth of this month the Sieur de Longchamps desired us to certify the Truth of sundry papers relative to his Rank and Birth, and that upon our refusal he broke out with the utmost indecency in threats and other violent

Expressions, and among others the following, "I am resolved to do some desperate act, I will dishoner you or the Devil take me," that he repeated them so loud that they were overheard by the Chevalier de la Luzerne, That the minister came out of his room, and called the said Sieur Longchamps to call him to an account for that insult and those Threats, but that the said Sieur de Longchamps made his Escape.

Sworn, This 27th May, 1784 } Philadelphia, 27th May, 1784.
Before William Adcock. } BARBE DE MARBOIS.

[Letter Book, Vol. I. p. 176.]

No. 14.

PRES. DICKINSON TO JUDGES OF SUPREME COURT—LONGCHAMPS, 1784.

The Honble. The Chief Justice, Mr. Justice Atlee, & Mr. Justice Rush.

In Council, Philadelphia, May 28, 1784.

Gentlemen,

This Letter will be delivered to you by Mr, Johnston, an Express sent to us by the persons lately removed from Wyoming, as he can himself give a good deal of information, and can be serviceable in obtaining it from others, we have wished him to attend at Sunbury.

The person who lately insulted and assaulted Mr. de Marbois is now in prison, so that answers to the Question proposed in our Letter of the 25th instant, may be deferred until your return to the City.

With the most perfect Esteem,
I have the honor to be, Gentlemen,
your most obed. and most hble. servt.
JOHN DICKINSON.

[Letter Book, Vol. II., p. 105.]

No. 15.

PRES. DICKINSON TO HIS EXCELLENCY THE PRESIDENT OF CONGRESS—LONGCHAMPS, 1784.

To his Excellency, the President of Congress.

In Council, Philadelphia, May 28, 1784.

Sir,

Some days ago an Insult was offered by a Frenchman to Mr. De Marbois in the Hotel of the Minister of France and afterwards an assault was made upon him by the same person in a street in this city.

The offender has been arrested by our direction, under a warrant of a Judge of the Supreme Court, and is now confined in the common prison where we have ordered him to be detained.

Our respect for Congress induces us to inform them of this affair, and we should have done ourselves the honor of making the communication sooner, but that the criminal was not in confinement till yesterday.

We should be much pleased to be favored with the sentiments of Congress upon the Business, being extremely desirous, that our proceedings correspond with their Judgment and to testify our determined resolution with all our power, to maintain the dignity of the United States, to preserve the public Repose, to assert the law of nations, and to manifest our entire regard for the Representations of the sovereignty of the Union.

With the most perfect Esteem,

I have the honor to be, Sir,

Your Excellency's most obed.

and most humble servant,

JOHN DICKINSON.*

[Letter Book, Vol. II. p. 168.]

No. 16.

MINISTER OF FRANCE TO PRES. DICKINSON—LONGCHAMPS, 1784.

To His Excellency, Mr. Dickinson, President of the State.

Philadelphia, 28th May, 1784.

Sir,

I have received the Letter which your Excellency did me the Honor to write to me yesterday, informing me that Mr. Longchamps had been arrested and confined in Gaol. I have heard of this Beginning of Reparation with so much the greater Pleasure, as it gives me Reason to hope that it will be a compleat one, and proportioned to the offence, and I am very thankful for the Assurance which you are pleased to give me of it. The crime of Mr. Longchamps is so notorious, and so public, that he might be sent back immediately to France, but that he may not be deprived of any means of defence, I hope that you will approve his undergoing interrogatories on the subject of the complaint given against him. He shall have all the means of Justification which he may wish, and it is with this view,

* See Vol. XV., p. 358.

that the previous Formalities in order to his Trial must take place before his departure for France on the spot where the crime was committed. I am informed that after having committed the offence of the seventeenth at my house, he has taken the oath of allegiance to the State. I request your Excellency to ascertain this Fact, it would prove that he did not consider himself as a citizen of Pennsylvania on the 17th, but that he hoped by taking the oath on the eighteenth to shelter himself from the consequences of the offence he had been guilty of the day before, and that he thought also the quality of a Citizen of Pennsylvania secured him from all pursuit for the offence which he was meditating against the nineteenth. It even appears that his bold speeches had given you some previous suspicions on that subject.

This man has brought himself into a number of scrapes with Frenchmen since his arrival here. But it is necessary, in order to make better known that breaker of the public peace, to ascertain the Affairs of the same nature in which he has been engaged with Americans, and to speak only of those which have been carried before American Tribunals. I beg you will be pleased to communicate to me the judicial documents of the following affairs.

1st. That with Capt. Halfwark Firsk, of the Swedish ship Peace & Plenty, on which he arrived here on the fifteenth of September last. He appears to have filched him out of fifty Guineas, which he has not restored, altho' condemned to it by the American Judges.

2dly. That which he had with Mr. Brunot, Man Milliour, whom he refused to pay, and threatened to kill. This affair is still depending.

3dly. A night quarrel with the Watch, in which he received a considerable wound in his head.

4th. His examination before Mr. Justice Fleeson on account of a Watch stolen and found upon him. He was acquitted of this charge.

5thly. I am ignorant whether any other complaints have been made against him, either for having seduced the young girl whom he has married, or for any other cause; but I hope Sir, that you will be pleased to communicate to me the respective documents, in case it is not contrary to the Laws of the Country.

I am, with a respectful attachment, Sir,

your Excellency's most obed. & mo. Hbl. servt.,

LE CHEVALIER DE LA LUZERNE.

[Letter Book, Vol. I., p. 183.]

No. 17.

Minister of U. Netherlands to President of Congress, Annapolis.—Longchamps, 1784.

(Copia.)

To His Excellency, Mr. Mifflin, President of Congress, Annapolis.

Philadelphia, 28th May, 1784.

Sir,

As the outrage committed by Charles Julien de Longchamps against the person of Mr. de Marbois, & the Character of the French Minister concerns the whole of the Diplomatic Body, I have thought it my duty to act in conjunction with M. Chevalier de la Luzerne, Minister Plenipotentiary of his Most Christian Majesty, in order to obtain from the Council of the State of Pennsylvania, a satisfaction proportionable to the atrocity of the offence.

In consequence of my Address for that end to his Excellency the President of the State, I have received two letters which I have the honor to lay before your Excellency, one dated the 25th, and the other the 27th of this month. The deliberations of the aforesaid Council for five days successively, the vigor and energy of their operations, ought equally to be prized and admired by every one who has a sense of the Importance of the Affair, and are so much the more satisfying that they have terminated in the imprisonment of this unhappy subject. This, with the two letters above mentioned, leads to expect that the Council of the State of Pennsylvania is firmly resolved to repair, in a suitable manner, the Breach made in the Law of Nations. However, it is my duty to beseech the Congress to notify to the different States of the Union, a Truth to which the President and Council of Pennsylvania give their assent, vizt.: That the Law of Nations makes a part of the Common Law of that Commonwealth. I hope the Congress will be pleased at the same time to declare that it makes a part of the Common Law of the other twelve States.

It is along with the Minister of France, and in the name of all the ministers and persons invested with a public character among the United States, that I have the Honour to make this Requisition.

Allow me, Sir, to seize this opportunity of assuring you of the high consideration with which I have the Honour to be

your Excellency's most humb. & obed. servt.,

O. J. VAN BERKEL.

No. 18.

(Translation.)

CHEVALIER DE LA LUZERNE TO PRESIDENT OF CONGRESS—LONGCHAMPS, 1784.

Copy of a Letter from the Chevalier de la Luzerne to his Excellency, the President of Congress.

Philadelphia, May 28, 1784.

Sir,

I have the honor of communicating to your Excellency two letters which I have received from the President of Pennsylvania, dated the 25th and 27th instant, addressed to Mr. Marbois. You have likewise here enclosed the answer which I have made to the letter, which was written to me on the 27th. Congress will see by these pieces that the Council of Pennsylvania are in the firm determination of giving a proper satisfaction for the offences committed as well against me as against his Majesty's Consul. I cannot but be satisfied with the manner in which the President of the State has conducted this affair, and I hope that Council will terminate it by ordering the culprit to be delivered up to my disposal. I lay claim to him as a subject of his Majesty, and altho' the conduct of the President and Council, throughout the whole of this affair leaves me perfectly satisfied as to its issue, I am, however, in duty bound to address myself at the same time to Congress, that the Reparation I demand may not be delayed.

The present case being entirely new, the imprisonment of the Culprit has experienced a delay of a few days, but it must not be imputed to the State of Pennsylvania, who has constantly shewn an intention of making a suitable reparation for the outrage committed in violation of the law of nations. I take this opportunity to request your Excellency to move Congress to notify to the several States of the Union a Truth which the President and Council of Pennsylvania acknowledge by their present conduct—it is that the Law of Nations constitutes a part of the Common Law of the Commonwealth of Pennsylvania. I request Congress will declare, if such is their opinion, that the Law of nations is part of the Common Law of each of the other twelve Commonwealths. If, however Congress has Reasons to doubt the dispositions of some States in this Respect, I hope that they will be pleased to give them such Recommendations as may in Future leave no doubt on so important a subject.

Mr. Van Berkel, Minister Plenipotentiary of the States General joins me in this demand, which we make in the name of all ministers and other persons who may reside in a public character in the United States.

[Letter Book, Vol. I., p. 177.]

No. 19.

SHERIFF TO PRES. DICKINSON—LONGCHAMPS 1784.

Sheriff To his Excellency John Dickinson, & the Honorable the Council.

Philadelphia, May 31st, 1784.

This morning the Honorable George Bryan Esquire and Jonathan [D] Sergeant Esq., Attorney at Law, have severally made Request to be furnished with a Copy of the writ issued by Council against the Chevalier de Longchamps for an assault committed on the Sieur de Marbois &c.

By the authority of which I am directed solely to keep the Body of the said Chevalier de Longchamps in the prison of the city and county of Philadelphia—And should any attempts be made to release the said Longchamps Report thereof should be immediately transmitted to Council, that proper measures may be taken as the nature of the case requires.

In consequence thereof, I beg leave to acquaint your Honor that that there is such Reason to believe that a writ of Habeas Corpus is about to be issued for the Removal of the said Longchamps from confinement, the propriety of which you will be pleased to determine.

I am your Honors,
most humble servant,
THOMAS PROCTOR, Sheriff.*

[Letter Book, Vol. I., p. 175.]

MINISTER OF UNITED NETHERLANDS TO PRESIDENT DICKINSON, —LONGCHAMPS, 1784.

A Son Excellence le Président de l'état de Pennsylvanie.

Philadelphie, ce June 1, 1784.

MONSIEUR,

J'apprends de *ponte* [mon ?†] part que la personne de Charles Julien de Longchamps vient d'être relâchée de son emprisonnement ou sera incontinent. Mr. de Marbois a ouï la même information. Cependant j'ose douter de la vérité de cette assertion comme étant parfaitement contraire à ce que Votre Excellence m'a fait l'honneur de m'écrire dans sa dernière lettre du 27me du May passé, par laquelle il paroit sûr que le Conseil d'état consulteroit le droit des gens comme faisant partie du droit commun de l'Etat. Si toutefois

* Col. Rec., Vol. XIV., p. 120.

† This letter has evidently been copied by a person unacquainted with the French—some words are not intelligible as they are recorded.

le bruit fut vrai et que Mr. de Longchamps eut la faculté de braver dans les rues de Philadelphie, soit Mr. de Marbois soit cette autre personne revêtue d'un caractère public, Votre Excellence me permettra de lui donner en considération, si c'est compatible avec la dignité ou même avec la sûreté d'un Ministre Etranger qu'il séjourne dans une ville ou même dans un Etat où il n'est pas parfaitement à couvert de toutes insultes.

Quant à moi j'ai l'honneur d'assurer Votre Excellence, que je croirai manquer *tantement*? à mes maitres si je m'y exposois en restant dans un Etat où le Droit des Gens n'est aucunement respecté.

J'ai l'honneur d'être avec des sentiments de la plus parfaite consideration,

Monsieur, de Votre Excellence

le très-humble et très-obéissant serviteur

Lettre Book, Vol. I. p. 186.

P. S. VAN BERKEL.

No. 21.

PRES. DICKINSON TO THE JUDGES OF THE SUPREME COURT—LONGCHAMPS, 1784.

The Honble. the Judges of the Supréme Court.

In Council, Philadelphia June 2, 1784.

Gentlemen,

The Consequences of the insults offered to Mr. Marbois, Secretary of the Legation, and Consul General of France are likely in a very high degree to affect the honor of this commonwealth. We have good reasons to believe that if the offender is not imprisoned until Reparation is made for the infractions of the law of nations the ministers of France & the United Netherlands will with their attendants immediately depart from this State, and that His most christian majesty will insist upon adequate satisfaction. We therefore desire that you will proceed to the Trial of the offender with all the dispatch which the rules of Law will permit, so that a proper punishment may be inflicted upon the person whose violence has already disturbed and will probably much more distract the public repose.*

I am Gentlemen,

your most obed humble servant,

JOHN DICKINSON.

* See Col. Rec., Vol. XIV., p. 135.

No. 22.

Pres. Dickinson to Monsieur De Marbois—Longchamps, 1784.

Pres. Dickinson to Monsieur De Marbois, Consul General of France.

Philadelphia, June 3, 1784.

Sir,

I have had the honor of receiving your two letters, of this day, and am sensible of the just respect for the laws of this state manifested by your conduct on the proposal made by an unknown person.

Upon the information contained in the second letter, Council will give directions for prosecuting the offender.

The peculiar circumstances in which the affair mentioned in the Chevalier de la Luzerne's last letter has been lately involved, have occasioned a delay of the answer of Council upon the points referred to, which I hope will be for that reason excused.

I am with an entire Respect,

Sir, your most obed.

and most humble servt.

JOHN DICKINSON.

The argument before a Judge of the Supreme Court upon the application of Charles Julien de Longchamps to be admitted to Bail, will be in public this afternoon at three o'clock in the Assembly Room at the State house.

[Letter Book, Vol. II., p. 109.]

Pres. Dickinson to Minister of United Netherlands—Longchamps. 1784.

The President presents his compliments to the minister of the United Netherlands, and begs leave to inform him, that the argument before a Judge of the Supreme Court upon application to bail the person who insulted Mr. de Marbois will be in public this afternoon at three o'Clock in the Assembly Room at the Statehouse,

Thursday, June 3d.

[Letter Book, Vol. II., p. 109.]

No. 23.

PRES. DICKINSON TO THE MINISTER OF THE UNITED NETHERLANDS—LONGCHAMPS, 1784.

In Council, Philadelpha June 3d, 1784.

We have very attentively deliberated upon your letter of the day before yesterday,* and are extremly concernedt hat you should think yourself obliged to depart from this state in case the Judge of the Supreme court who issued a writ for bringing before him the person, that insulted Mr. De Marbois, and now has the matter in advisement should release him from actual imprisonment.

We appeal to you Sir, as a Witness of the Zeal with which we have endeavoured that the offender should be dealt with as the law of Nations requires.

If the judicial Authority of the Commonwealth shall decide, that he ought to be discharged from actual imprisonment, we hope the circumstances which we shall now mention will have weight. First, that it is the fixed Resolution of the Executive and judicial branches of Government, that the offender shall be speedily and exemplarily punished. We have yesterday written to the Judges requiring them to proceed to the Trial with all the dispatch, that our legal rights will permit, and we believe, it will take place in twenty days. Secondly, That the Release from actual imprisonment being the act of a Superior Judge, must be regarded, as formed on the constitution and Laws of this state. Thirdly, that such Release will not be a discharge of the offender from prosecution, but only another mode of obligation, and that conformably to the said constitution and laws for compelling him to abide the final determination in his offence and binding him in the meantime to his good behaviour.

Thus Sir, the Business is proceeding in a regular train, and without delay towards an adequate punishment of the criminal, and we purpose immediately to call together the General Assembly, that the Legislative authority may be exerted for making such provisions as the novelty and Importance of the case may require. These being the steps we have taken, and the Resolutions we have formed, and convinced, by your uniform conduct, of your disposition to cultivate the Friendship so happily subsisting between their High Mightinesses the States General of the United Netherlands, and these States, we finally hope, that you sir, will regard the measures adopted as a commencement of that satisfactory reparation which it is our ardent wish and shall be our unremitting endeavor to accomplish, and that the magnanimity of their High mightinesses will justify the affectionate construction, which you shall be pleased to put upon our efforts, and the correspondent effects by which you shall continue to honor us with your residence among us.

* See page 477.

To your knowledge, sir, of the law of nations and the usages upon infractions thereof we entirely and cheerfully refer for a decision, whether after the communication we have made, the Assurances we have given and a Consideration of all circumstances, it may not be consistent with the public character you sustain to relieve us from the pains we should suffer by your removal from the State.

I have the Honor to be,
with sincere esteem, sir,
your most obed. & most humble servant,
JOHN DICKINSON.*

[Letter Book, Vol. II., p. 110.]

No. 24.

MONS. DE MARBOIS TO PRES. DICKINSON—LONGCHAMPS, 1784.

To his Excellency, the President.

Philadelphia, June 3d, 1784.

Sir,

Since I had the honor to write to your Excellency this morning, I compared the anonymous letter which I received this morning at 9 o'clock, with another one, likewise anonymous, which I received on the nineteenth of May, early in the morning, and which contains an intimation of what Mr. de Longchamps executed on the same day.† If you think proper, Sir, to bring the author to a Trial, it appears by no means difficult to come at him, as the servant gave me his direction, and as the letters may serve to prove his handwriting. For my part I think it may furnish the State with an additional proof that the insult was premeditated.

With great respect,
I have the honor to be, Sir,
your Excellency's mo. obed.
and very humble servant,
DE MARBOIS.

* See Col. Rec. Vol. XV., p. 135.
† She Archives, Vol. X., p. 408.

No. 25.

PRESIDENT DICKINSON TO MINISTER OF FRANCE—LONGCHAMPS, 1784.]

To the Minister of France.

In Council,

Philadelphia, June 4, 1784.

Sir,

We should have done ourselves the honor of answering several days ago your letter of the 28th of last month,* if it had not been for the circumstances in which the affair has been lately involved by the interposition of the judicial authority; and the unhappy event that has taken place in consequence of this interposition, renders it, we apprehend, now unnecessary for us to say any thing upon the point mentioned in that letter.

The sheriff had conducted the offender from the common gaol to the house of a Judge of the Supreme Court, in order to an enquiry and decision by the Judge, whether Bail was in this case admissible, and as he was carrying him back to prison, he in a very artful manner made his escape, and conceals himself so that he has not been yet seized again. Upon receiving information hereof, we immediately directed the Attorney General to take proper measures for prosecuting any persons concerned therein; have ordered the depositions† of the sheriff and other witnesses to be taken, respecting the same; and have issued a proclamation‡ offering a reward of Five Hundred Dollars, according to the recommendation of Congress, and a further reward of a like sum for apprehending and securing the criminal. As soon as the above mentioned depositions come to our hands they shall be communicated, and we believe they will satisfactorily prove that there was no kind of collusion between any officer of this State and the offender. Yet, in whatever manner this escape has been effected, we cannot but be extremely concerned that it has interrupted, at least for some time, our endeavors to have the law of nations duly asserted.

The subsequent measures which we have adopted, will, we doubt not, be considered as correspondent to our uniform proceedings through every stage of this business for the attainment of a just reparation.

Perfectly convinced, Sir, of your disposition to cultivate the Amity so happily subsisting between His Most Christian Majesty and these States, we are assured that a truly friendly regard will be had for

* See Col Rec., Vol. XIV., p. 121, Also see p. 473, of this Vol.
† See Archives, Vol. X., p. 271–274, 277.
‡ See Col. Rec., Vol. XIV., p. 136.

our resolutions and measures upon this extraordinary occasion, and that the magnanimity of your Sovereign will justify the most favorable construction upon our efforts.

With great esteem, Sir, I have the honor to be
your most obedient & most humble servant,

JOHN DICKINSON.*

[Letter Book, Vol. II., p. 112.]

No. 26.

SECRETARY OF CONGRESS TO COMMITTEE OF THE STATES, 1784.

Committee of the States.

June 4th, 1784.

On a report of a Committee, to whom was referred a letter of the twenty-eighth of May† from the Supreme Executive Council of Pennsylvania, and on motion of the Delegates of the State, Resolved, The Supreme Executive Council be acquainted that Congress having been notified by the Minister of His Most Christian Majesty of the violation of the Law of Nations committed by a subject of his said Majesty in assaulting Mr. De Marbois, Consul General and Secretary to the said Legation, have judged it proper to request the Executives of the several States of the Union, to issue their proclamations offering a Reward to any person who shall discover the offender, so that he might be apprehended and brought to condign punishment. That by the Proceedings which have already been forwarded to them, the President and Council of the State of Pennsylvania will find that the measures pursued by them perfectly coincide with those recommended by Congress. That the Exertions of the President and Supreme Executive Council of the State of Pennsylvania to maintain the dignity of the United States, to preserve the public Repose, and to assert the Law of Nations, meet the full approbation of the Committee of the States, and that it is with singular pleasure they receive this fresh instance of the entire Regard of the President and Council of the State of Pennsylvania for the Representatives of the sovereignty of this Union.

CHA. THOMSON,
Secretary.

[Letter Book, Vol. I., p. 209.]

* See Vol. X., p. 277.
† See page 472.

No. 27.

JUDGES OF SUPREME COURT TO PRES. DICKINSON—LONGCHAMPS, 1784.

Judges of Supreme Court, to His Excellency John Dickinson, Esq., President.

Reading, June 7th, 1784.

Sir,

We had the honor of receiving your Excellency's letter of 25th, May,* on the 3d instant, at Sunbury, and your letter of the 20th on the day following, and this day we received your letter of the second instant† at this place; that of the 22d of May did not come to hand.

Inclosed herewith, you will receive our present opinion, respecting the demand of his Excellency the Minister plenipotentiary of France, of the person of de Longchamps. We wish, it could have been such, as would have met his wishes, but we flatter ourselves he will have confidence in the Justice of the State, when he reflects, that its principal officers have a most cordial attachment to his nation and a very particular Regard for himself and Mr. De Marbois, we have issued a precept for holding a Court of Oyer and Terminer at Philadelphia on the 24th instant, it was originally returnable on the twenty eight, but agreeable to your desire, we have made it returnable on the shortest day practicable.

Among a variety of other Prisoners at Sunbury, forty-five persons were indicted for a riot, assault and false imprisonment of divers Inhabitants formerly of Connecticut, and five officers of the Garrison at Wyoming for a Rescue. We wish most sincerely, there was no cause of censure of the officers there, both civil and military. Every thing has been done by us for preserving the public Tranquility in that county that we could think of, and we are induced to believe, that the measures pursued will answer the Ends designed.

It was concluded to be unnecessary to send an Express from Sunbury through this Borough to Philadelphia, as we set off for this Place on Saturday, and arrived here early this morning. The Bearer of our dispatches is to be paid Three pounds, seven shillings and six pence for the Journey, Council will be pleased to order payment of that sum, and some addition if he should be detained by them.

We rest assured that the Council will be pleased, to join with your Excellency in making allowances for our absence from Books, our divided attention occasioned by other public Business, and our situation in every respect. There have been several prosecutions in England for Infractions of the law of Nations, which in some degree

* See page 467. † See page 478.

shews, that the offences of this kind are considered as done against the State where they were committed, and we do not find that any complaint was made to his Sovereign by the Count de Guerchy, Ambassador from France to the British Court, on account of his being indicted in 1764 for a conspiracy to take away the life of the Chevalier D' Eon.—The prosecution ended by a nolle prosequi entered by the Attorney General after a solemn Argument.

We beg you will make our best compliments to the Honorable the Council, and that you will believe us to be, with a most sincere attachment,

Your Excellency most obedient humble servants,

THOMAS McKEAN,
WILLM. ATLEE,
JACOB RUSH.

P. S. Be so kind as to forward the precept to the Sheriff.

[Letter Book, Vol. I., p. 189.]

No. 28.

Case.

The Honorable Francis Barbe de Marbois Consul General of France, and Secretary to the Embassy from that Kingdom to the United States of America, was assaulted and stricken with a cane in a public street in the City of Philadelphia by a Frenchman calling himself and known by the Name of the Chevalier Charles Julien de Longchamps, of which Mr. Marbois on the Nineteenth May last made oath* before a magistrate and also required the surety of the Peace. The honorable Judge Bryan thereupon issued his precept on the twenty first and caused the said Longchamp to be arrested, and on the twenty second took his Recognizance, himself in a thousand Pounds, with two sufficient sureties in five hundred Pounds each, to appear and answer for said offence at the next Court of Oyer & Terminer, and to keep the Peace &c., in the meantime, and then issued a supercedeas to all warrants touching the premises. On the 19th May, His Excellency the Chevalier de la Luzerne, Minister of France formally requested in writing his Excellency John Dickinson Esquire, President of the State that the aforesaid Longchamps be seized and delivered up to him to be sent to France, as a person who wears the uniform of a French Regiment and calls himself a French Officer. He has resided in Philadelphia about eight months and has been some time married to a young woman who owns some Houses there.

* See page, 462, 471.

Hereupon the Supreme Executive Council of the State of Pennsylvania propose the two following questions to the Judges thereof.

1st, Whether, under all the Circumstances of this Case the said Council can legally seize the offender and imprison him, 'till his trial or for a shorter period?

2d, Whether, under all the circumstances of this case they can legally deliver him to the minister of France, according to the claim made by him.

Answer of the Judges.

We have considered the questions above proposed, as fully as our situation at Sunbury on the Circuit (being constantly interrupted with other business, and without Books) and the Expedition expected from us will permit, and are at present of opinion.

1st, That Council cannot by the Laws of this State detain him in prison till his Trial, or for a shorter period, after he has been bailed on a habeas corpus, whether he be considered as a citizen of the State or an alien only, friendly aliens owe a local and temporary allegiance to the commonwealth, and in Return are entitled to the protection and Benefit of the Laws.

2dly, That they cannot legally deliver him up to the minister of France according to the claim made by him. Mr. de Marbois is a public character of great importance and entitled to a great Respect but he does not appear to us to be a public minister, representing the person of his Sovereign (a Pro Rex,) and if he were, we know of no instance within the present century, where an offender like the present, was sent to the Country of the public minister for punishment. The Czar Peter did not demand the persons who arrested his ambassador, to be delivered up to him — and the Chevalier D' Eon, a Frenchman, was tried and punished in England for a scandalous and infamous Libel upon the Count de Guerchy, Embassador from France at the British Court in 1764. The Practice of nations appears to us to be an appeal to the Justice of the Country where insults and Injuries have been offered to the public ministers of all Ranks. There is no doubt but the Consular power may extend to cases of this kind, between subjects of the same Sovereign by a particular convention or Treaty, but we have not heard of any such between His most christian majesty and the United States.

THO. McKEAN.
WILM. ATLEE,
JACOB RUSH.

[Letter Book, Vol. I., p. 190.]

No. 29.

MINISTER OF FRANCE TO PRESIDENT DICKINSON—LONGCHAMPS, 1784.

To His Excellency, the President.

Philadelphia, June 10, 1784.

Sir,

The Chevalier d'Anmours, Consul of His Majesty to the States of Maryland and Virginia, is arrived here at my Request, to receive the charges and depositions against Charles Julien Longchamps. He will also hear the prisoner in his defence, and communicate to him the Charges brought against him, in order that he may make his objections, if he has any. I desire you will be so obliging as to give directions for the admission of the Chevalier d' Anmours at the Gaol where the prisoner is detained.

Will you be so kind, Sir, as to return to me the letter of the President of Congress, with the proclamation of that Assembly, dated 29th of May? When Mr. de Marbois communicated them, the shortness of the time did not allow him to have any Copy taken; they are now essential to us.

With great respect, Sir,

your very humble and obed. servt.,

LE CHEVALIER DE LA LUZERNE.

[Letter Book, Vol. I., p. 194.

No. 30.

MINISTER OF FRANCE TO PRESIDENT DICKINSON—LONGCHAMPS, 1784.

To His Excellency, the President.

Philadelphia, June 14, 1784.

Sir,

Being ready to leave this Continent, I must remind your Excellency of my former Requisitions, relating to the crimes committed by Longchamps. You have declared to me in several writings and by word of mouth, a firm Resolution to give a satisfaction proportionable to the greatness of the offence against the Law of Nations. I entirely depend and expect that whilst this satisfaction is in the power of the State, the necessary measures will be taken to preserve the Union and good Understanding between the King and the United States. The Congress have made known their Intentions on this

subject, and I will hasten, at my arrival in France, to announce to my Court that it is not to be doubted but the Commonwealth of Pennsylvania will shew the same Respect for Justice and the Laws of Nations.

In the persuasion that Longchamps would be given up to my disposal, I caused proceedings to be begun according to the Consulary Forms. I have the honor to send you copies of the process compared and certified by me, and to give you notice that several Witnesses who have deposed in this information, leave this city and county on the twentieth of this month.

I have the Honor to be, with respectful attachment Sir,

your Excellency's most humble & obedient servant,

LE CHEVALIER DE LA LUZERNE.

[Letter Book, Vol. I., p. 195.]

No. 31.

PRESIDENT DICKINSON TO THE JUDGES OF THE SUPREME COURT.—LONGCHAMPS, 1784.

To the Honorable, the Judges of the Supreme Court.

In Council,
Philadelphia, June 26, 1784.

Gentlemen,

Being informed by the Attorney General that the offences of Charles Julien Longchamps in violation of the Law of Nations are ascertained and verified by the verdict of a Jury, we think it our indispensable duty to the Commonwealth, in this stage of the business, again to address you on this very important affair.

We now inclose a letter of the nineteenth of May from the late Minister of France, requiring the offender to be sent to that kingdom.* This demand has been frequently and earnestly repeated. The Case is fully stated in that letter, and we understand that the Truth of the material circumstances so stated has been established upon the Trial. The Law of Nations making part of our Common Law, and we extremely desirous that ample reparation should be made for the late outrages committed within this State, it will be necessary, before any other step is taken, to consider what the Law of Nations requires in similar cases.

This affair much concerns the honor and welfare of the United States in general and of this State in particular, and will be canvassed.

We therefore wish that you, Gentlemen, would be pleased to take into mature consideration, and in the most solemn manner to deter-

* See page 462.

mine—First, whether Charles Julien Longchamps can be legally delivered up by Council according to the claim made by the late Minister of France.

Secondly, If he cannot be thus delivered up, whether his offences in violation of the Law of Nations being now ascertained and verified according to the Laws of this Commonwealth, he ought not be imprisoned until his Most Christian Majesty shall declare that the Reparation is satisfactory. Thirdly, if he can be thus imprisoned, whether any legal act can be done by Council for causing him to be so imprisoned.

I am with the greatest Esteem, Gentlemen,
your most obed. and most humble servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 114.]

No. 32.

"Case stated, on which the opinion of the Judges is requested by his Excellency the President, & the Honorable Supreme Executive Council of Pennsylvania.

"Charles Julien de Longchamps, on the 17th May, 1784, unlawfully and insolently threatened and menaced bodily harm and violence to the person of the Honourable Francis Barbe de Marbois, Secretary to the Legation from France, and Consul General of France to the United States of America, in the mansion House of the Minister Plenipotentiary of France; and on the 19th day of the same month committed an assault and Battery, in a public street in Philadelphia, upon the said Francis; For both which offences he was arrested, imprisoned, indicted by the Grand Jury, tried & convicted by the petty Jury in a Court of Oyer & Terminer and General Gaol delivery, held by the Judges of the Supreme Court of Pennsylvania at Philadelphia, for the City and County of Philadelphia, on the twenty-fourth day of June following. Upon the trial it appeared in evidence that the defendant was a Frenchman, had arrived in the State of Pennsa. between seven & eight months before the outrage; had married, and on the 18th day of May hath taken the Oath of Allegiance to the Commonwealth, that he had borne a Commission of Sub-Lieutenant of Horse in the Army of France, and had got the order of Chevalier St. Philip in a principality in Germany, and that the offences for which he was indicted were committed without the least provocation. When the Defendant was first apprehended and put in prison, the Minister of France, in a memorial, dated the 19th day of May, and presented to his Excellency, John Dickinson, Esquire, President & Commander in Chief of the State of Pennsylvania, complained of the aforesaid excess and outrage as a violation of the Law of Nations, and demanded

him as a Frenchman who appeared in his House in uniform of a French Regiment, & called himself an Officer in the Troops of his Majesty, to be delivered up to him, to be sent to France; of which the Judges then on the circuit were immediately informed by Express. After the verdict, finding the defendant guilty of both the offences whereof he was charged, and before the day fixed by the Judges for passing sentence, William Bradford, Junr., Esquire, Attorney General, informed the President and Supreme Executive Council of the situation of the business in Court, who thereupon, viz., the 26th day of June, wrote to the Judges, reminding them of the aforesaid demand of the Minister of France, & acquainting them that the said demands had been frequently and earnestly repeated, and that they were informed by the Attorney General that the truth of the material circumstances stated by the Minister had been established on the Trial. The Council therefore wished that the Judges would be pleased to take into mature consideration, and in the most solemn manner to determine.

First. Whether Charles Julien de Longchamps can be legally delivered up by Council, according to the claim made by the late Minister of France?

Secondly. If he cannot be thus delivered up, whether his offences in violation of the Law of Nations being now ascertained and verified according to the Laws of this Commonwealth, he ought not to be imprisoned until his most Christian Majesty shall declare that the Reparation is satisfactory?

Thirdly. If he can be thus imprisoned, whether any legal act can be done by Council for causing him to be so imprisoned?

—

No. 33.

Answer of the Judges.

"In compliance with the request of his Excellency the President & the Honourable the Supreme Executive Council, we postponed passing sentence upon Charles Julien de Longchamps until we had maturely considered the three Questions above proposed for our determination. On the tenth and twelfth days of July, the several questions were argued before the Court by five Counsel, two for the affirmative and three on the negative side. We have kept the matter under advisement until this day, and now deliver our opinion thereon.

1. And to the first question, we answer, That it is our opinion that *in this case* Charles Julien de Longchamps cannot be legally delivered up by *Council* according to the claim made by the Minister of France. Though we think that cases may occur where *Council* could, pro bono publico, and to prevent atrocious offenders evading

punishment, deliver them up to the Justice of the Country to which they belong, or where the offences were committed.

2. Punishments must be inflicted in the same country where the criminals were tried and convicted, unless the Record of the attainder be removed into the Supreme Court, which may award execution in the county where it sits; they must be such as the laws *expressly prescribe;* or when no stated or fixed judgment is directed according to the *legal discretion* of the Court, but judgments, and be certain and *definite* in all respects. Therefore, we conclude that the defendant cannot be imprisoned until his most Christian Majesty shall declare that the reparation is satisfactory.

3. The answer to the last Question is rendered unnecessary by the above answer to the second one.

THOMAS McKEAN,
GEORGE BRYAN.

Philadelphia, October the sixth, 1784.

I was not present at the argument respecting the above questions, but considering the questions as stated, concur with my Brethren in opinion.

WILLIAM ATLEE.

[Letter Book, Vol. II., p. 272.]

No. 34.

SENTENCE OF LONGCHAMPS, 1784.

The following Paper was presented to Council by the Honorable The Chief Justice.

In Court of Oyer and Terminer, and General Gaol delivery at Philadelphia, Oct. 17, 1784.

Commowealth of Pennsylvania, vs Chevalier Charles Julien de Longchamps. } Indictment for an Infraction of the Laws of Nations and for an Assault & Battery.

Sentence of the Court delivered by Chief Justice McKean.

Sir,

You have been indicted for unlawfully and violently threatning and menacing bodly harm and violence to the person of the honorable Francis Barbe de Marbois, Secretary to the Legation from France and Consul General of France to the United States of America, in the mansion House of the Minister Plenipotentiary of France; and for an assault and battery committed upon the said Secretary and

Consul in a public street in the City. To this Indictment you have pleaded that you were not guilty, and for Trial put yourself upon the Country; an unbiassed Jury, upon a fair Trial and clear evidence, have found you guilty.

These offences having been thus legally ascertained and fixed upon you, His Excellency the President, and the Honorable the Supreme Executive Council, attentive to the Honor and Interest of the State were pleased to inform the Judges of this Court, as they had frequently done before, that the minister of France had earnestly repeated a demand that you, having appeared in his house in the uniform of a French Regiment, and having called yourself an officer in the Troops of his Majesty, should be delivered up to him for these outrages as a Frenchman to be sent to France; and wished us in this stage of your prosecution, to take into mature consideration, and in the most solemn manner to determine.

1st, Whether you could be legally delivered up by Council, according to the claim made by the late minister of France?

2nd, If you could not be thus legally delivered up whether your offences in violation of the law of Nations being now ascertained and verified according to the laws of this commonwealth, you ought not to be imprisoned, until his most christian majesty shall declare, that the Reparation is satisfactory.

And 3dly. If you can be thus imprisoned, whether any legal Act can be done by Council, for causing you to be so imprisoned?

To these Questions we have given the following answers in writing.

"In compliance with the Request of his Excellency the Presi-"dent, and the honorable the Supreme Executive Council, we post-"poned passing sentence upon Charles Julien de Longchamps "until we had maturely considered the three questions above pro-"posed for our determination, on the 10th and 12th days of July, "the several questions were argued before the Court by five Counsel, "two for the affirmative and three on the negative side, we have "kept the matter under advisement until this day, and now deliver "our opinion thereupon."

1st, "And as to the first Question, we answer, That it is our "opinion, that in this case Charles Julien de Longchamps cannot be "legally delivered by Council, according to the claim made by the "minister of France. Tho' we think cases may occur where "Council could pro bono publico, and to prevent atrocious offenders "evading punishment, deliver them up to the Justice of the Country "to which they belong or where the offences were committed."

2dly "Punishments must be inflicted in the same county, where "the Criminals were tried and convicted, unless the Record of the "attainter be removed into the supreme Court, which may award "Execution in the County where it sits; they must be such as the "laws expressly prescribe, or where no stated or fixed Judgement "is directed, according to the legal discretion of the court; but "judgments must be certain and definite in all respects, therefore

"we conclude that the defendant cannot be imprisoned until his "most Christian majesty shall declare that the Representation is "satisfactory."

3dly, "The answer to the last question is rendered unnecessary "by the above answer to the second one."

Philadelphia, October 6, 1784.

The foregoing answers having been given, it only remains for the Court to pronounce sentence upon you. This sentence must be governed by a due consideration of the enormity and dangerous tendency of the offences you have committed, of the wilfulness, deliberation and malice where with they were done, of the quality and degree of the offended and offender, the provocation given, and all other circumstances which may any way aggravate or extenuate the guilt.

The first crime in the indictment is an infraction of the Laws of nations. This Law in its full extent is part of the Law of this State, and is to be collected from the practice of the different Nations and the authority of writers.

The person of a public minister is sacred & inviolable, who ever offers any violence to him, not only affronts the Sovereign he represents, but also hurts the common safety and well being of nations; he is guilty of a crime against the whole world.

All the reasons which establish the Independency and inviolability of a minister, apply likewise to secure the immunities of his House, It is to be defended from all outrage; it is under a peculiar protection of the laws; to invade its freedom is a crime against the state and all other nations.

The comites of a minister or those of his Train partake also of his inviolability. The independency of a minister extends to all his household, these are so connected with him that they enjoy his priveleges and follow his Fate.

The Secretary to the Embassy has his Commission from the Sovereign himself; he is the most distinguished character in the suite of a public minister, and is in some instances considered, as a kind of a public minister himself. Is it not then an extraordinary insult to use threats of bodily harm to his person in the domicil of the minister plenipotentiary? If this is tolerated, his Freedom of Conduct is taken away, the Business of his Sovereign cannot be transacted, and his dignity and Grandeur will be tarnished.

You then have been guilty of an atrocious violation of the Law of Nations, you have grossly insulted Gentlemen, the peculiar objects of this law; Gentlemen of amiable characters, and highly esteemed by the Government of this State in a most wanton and unprovoked manner; and it is become the Interest as well as the duty of Government to animadvert upon your conduct with a becoming severity, such a severity as may tend to reform yourself, to deter others from the commission of the like Crime, preserve the honor of the State and maintain Peace with our great and Good ally, and the whole world.

A wrong opinion has been entertained concerning the conduct of Lord Chief Justice Holt and the Court of King's Bench in England, in the noted case of the Russian Ambassador. They detained the offenders after conviction in prison from term to term until the Czar Peter was satisfied without ever proceeding to Judgment; and from this it has been inferred that the court doubted whether they could inflict any punishment for an Infraction of the Law of Nations. But this was not the Reason. The Court never doubted that the Law of Nations formed a part of the Law of England, and that a violation of this General Law could be punished by them. But no punishment less than death would have been thought by the Czar an adequate reparation for the Arrest of his Ambassador. This Punishment they could not inflict, and such a sentence as they could have given, He might have thought a fresh insult; another expedient was therefore fallen upon.

However, the Princes of the World at this day are more enlightened, and do not require impracticable or unreasonable Reparations for injuries of this kind.

The second offence charged in the indictment named the Assault & Battery, needs no observations.

Upon the whole, the Court, after a most attentive consideration of every circumstance in this case, do award and direct me to pronounce the following sentence:

That you pay a Fine of one hundred French crowns to the Commonwealth, that you be imprisoned until the fourth day of July, 1786, which will make a little more than two years imprisonment in the whole; that you then give good security to keep the peace and be of good behaviour to all public Ministers, Secretaries to Embassies, and Counsuls, as well as to all the liege people of Pennsylvania for the space of seven years by entering into a Recognizance, yourself in one thousand Pound, and two sureties in five hundred pounds each; that you pay the costs of this Prosecution, and remain committed until this sentence is complied with.*

[Letter Book, Vol. I., p. 259–262.]

No. 35.

MONS. DE MARBOIS TO PRESIDENT DICKINSON, 1784.

To His Excellency, John Dickinson, Esq., President.

Philadelphia, 29th December, 1784.

Sir,

A sailor, a deserter from the ship Venus, which is under French colors, and the papers whereof are deposited in the Consular Office, has complained to a justice of the peace of some ill treatment which

* See Vol. X., p. 350.

he says he has received from the mate of the vessel, a constable was ordered to arrest the Officer, and in fact did bring him before Mr. Isaac Howell, a Justice of the Peace. That magistrate demanded of him security to appear and answer the charges, but as it is probable that Mr. Howell is not informed that the vessel is under French colors, I beg your Excellency will be pleased to acquaint him with this circumstance, that he may discharge Mr. Antoine Etunno from his arrest, and as to the difficulty between this officer and his sailor, I shall take cognizance of it, either cause justice to be done to the sailor if he has been ill used, or to have him punished as a deserter, if he should deserve it.

I am, with respect, Sir,
your Excellency's mo. obedient & mo. humb. servant,
DE MARBOIS.*

[Letter Book, Vol. II., p. 286.]

Miscellaneous.

No. 1.

Council to Ezekiel Robins, 1782.

In Council,
Philadelphia, Nov. 29, 1782.

Sir,

The Council propose to send to your city, by permission of Sir Guy Carlton, if such permission shall be obtained, a small sloop with 200 barrels of Flour and 100 Bushels of Potatoes, for the relief of Citizens of this State who are among the marine prisoners at New York. A part of the flour it is proposed shall be sold, and the produce thereof applied in purchasing clothing for those who stand in need of them, and necessaries for the sick, on board the Hospital Ship. The remainder of the flour and the potatoes to be distributed in weekly allowance as the necessity of the case may require. Upon inquiring for a suitable person to whose care this business may safely be committed, you have been mentioned as a gentleman whose humanity would induce you to conduct it, a reasonable compensation being allowed for your trouble. We therefore apply to you to know if you will undertake it, and request you will please let us have your answer by the return of the Flag by which this shall be sent.

I am with due Regard,
your very humble servant,
TIMOTHY MATLACK,
Secretary.

Directed,
To Mr. Ezekiel Robins,* New York.

[Letter Book, Vol. II., p. 3.]

* See Col. Rec., Vol. XIV., p. 291.
† See his reply in Vol. IX., pp. 675, 677, 756, and Vol. X., pp. 26, 213.

No. 2.

PRESIDENT DICKINSON TO GENERAL WASHINGTON, 1782.

In Council,
Philada., November 29, 1782.

Sir,

A memorial from Citizens of Pennsylvania, who are among the Marine Prisoners at New York, has been laid before this board, representing their distresses are very great, arising from the want of a proper supply of food, as well as of Clothing; another case being laid before the General Assembly, a sum of money has been appropriated to the purpose of supplying their wants, including those who are on board the Hospital Ship.

This the Council have agreed to lay out in 200 barrels of flour, and one hundred bushels of potatoes, and to send them to New York on board the sloop Cohanzey, burthen about thirty Tons, navigated by four men, and commanded by John Kemp. They propose to sell a part of the flour there, and with the produce to purchase clothing for the prisoners who may be in want, and necessaries for the sick; the remainder of the flour and the potatoes to be distributed among them in weekly allowances. In order to effect this we solicit your Excellency's interest with Sir Guy Carlton to obtain a passport for that vessel. The advanced season of the year will not admit of any delay, and the object is become so interesting to humanity as to induce us to make this request as being the most likely to be successful.

It is proposed to commit this little cargo to the care of Ezekiel Robins, of New York, to whom we beg you will please to order the inclosed letter to be forwarded.

Your Excellency's well known benevolence will apologise for the trouble we give you in this business.

I have the honor to be
with the most perfect esteem & regard,
your Excelleney's most obed. humble servt.,
JOHN DICKINSON.

Directed,

His Excellency, General Washington.

[Letter Book, Vol. II., p. 4.]

No. 3.

INSTRUCTIONS TO CAPTAIN JOHN KEMP, 1782.

In Council,
Philadelphia, Dec. 27, 1782.

Sir,

As soon as you have received on Board Two hundred Barrels of Flour and one Hundred Bushels of Potatoes, you are to proceed immediately to the city of New York as a flag, under the protection of the passes enclosed herewith. The one from Rear Admiral Digby, the other from this board. You are not to permit any other person to go to New York on board the sloop under your command except the four seamen expressed in the permit, and on your arrival there you are, through the officers of the Guard Ship, to report yourself to Admiral Digby.

The inclosed letter, with your cargo, including the dunnage, you are to deliver to Mr. Ezekiel Robbins, of the City of New York, taking his receipt for the same, & immediately return to this city. But should any accident have happened which shall prevent Mr. Robbins receiving your cargo, in such case you are to inquire for some other suitable person, and in like manner deliver the cargo into his care, together with the instructions directed to Mr. Robbins, for his directions in the disposal of it. You are in all respects to conduct yourself according to the Laws & usages of nations respecting flags.

I am, with due regard & esteem,
your most obed. servant,
JOHN DICKINSON.*

Directed,
To Captain John Kemp, commanding the schooner Cohansey.

[Letter Book, Vol. II., p. 11.]

No. 4.

PRESIDENT DICKINSON TO GOVERNOR HARRISON, 1783.

Philadelphia, March, 27th, 1783.

Sir,

I have the Honor to inform you that on the 22d Instant, the General Assembly of this Commonwealth approved & confirmed the line lately run by Messrs. Nevill & McClean, as the boundaries be-

* See Vol. IX., pp. 674, 677, 756; Vol. X., p. 213; Col. Rec., Vol. XIII. pp. 447, 458-9.

tween this State and that of Virginia, until the final settlement thereof be obtained.

I am, with very great esteem, Sir,
your most obed. humble servant,
JOHN DICKINSON.

Directed,

His Excellency, Benjamin Harrison, Esq., Governor of Virginia.

[Letter Book, Vol. II., p. 24.]

No. 5.

SEC'Y ARMSTRONG TO COMM'S OF TAXES, 1783.

Circular.

Philadelphia, May 20th, 1783.

Gentlemen,

I have the directions of Council to repeat their wishes and commands, that every possible exertion be made in the collection of public Taxes. This object, always important to the peace, honor & happiness of the state, has become doubly so by the approaching dissolution of the Army, some immediate supply must be given to those brave deserving men, who have contributed eight years military services to the defence of their country, for to send them abroad into the state needy & dissatisfied may be as dangerous as it would certainly be unjust and dishonorable.

Foreign debts have also been contracted upon the credit of the depending Taxes, should they not be discharged with punctuality, our National character will be ruined for ever, and the United States will become a proverb of weakness and dishonesty. But to motives of virtue, gratitude & patriotism I must also add the obligations of Law, which can neither be evaded nor opposed. So sensibly are Council affected by these considerations that should not the arrears due upon the class and effective supply Taxes be immediately discharged, they will feel themselves constrained to adopt a more decisive line of conduct, and exert those powers, with which they are invested by law. I have it also in command to express the confidence of Council in your personal diligence & their hopes that influenced by a love of Justice & fidelity the good People of your County will discharge their arrears and remove the necessity of an alternative as disagreeable to Council as it would be ruinous to them.

I am, Gent'n, with much respect,
Yr. very humb. servt.,
JOHN ARMSTRONG, JR.
Sec'y.

Circular Letter to the Commissioners of Taxes of the several Counties. Letter Book, Vol. II., p. 30.

No. 6.

PRES. DICKINSON TO GOV. HARRISON, 1783.

In Council, July 3d, 1783.

Sir,

The Letter with which your Excellency has honored me,* has been considered in Council. We have not any knowledge of Facts that afford the least foundation for the complaints that have been made, it having always been, and now is the intention of this government to adhere to the engagements made with your state. If particular instances had been mentioned in the complaints, inquiry might have been instituted concerning the observation of the Conditions assented to on both sides, but the memorialists seem to have made their charges in vague and general expressions. As the Honor of Pennsylvania requires the strictest attention to the obligations of public Faith, we shall take such measures as shall be judged most proper to demonstrate the purity of our intentions and the rectitude of our proceedings. Permit us to add that we hope your Excellency will believe the complaints give no favorable evidence of the regularity of their temper or conduct, by making their application in the manner they have done rather than to the state.

I have the Honor to be,
with esteem, and the
sincerest regard, Your
Most obed. humb. servt.,
JOHN DICKINSON.

Directed,
To His Excellency, Benjamin Harrison, Esq., Gov. of Virg'a.

[Letter Book, Vol. II., p. 44.]

No. 7.

PRES. DICKINSON TO GOV. HARRISON, 1783.

In Council,
Philadelphia, 20th Septem., 1783.

Sir,

I have the honor to inclose to you a resolution of the General Assembly of the 28th of last month,† and an appointment of Com-

* See Vol. X., pp. 56, 72. † See Vol. X., p. 95.

missioners on our part,* so that I hope the business of running the Line will be compleated as soon as the nature of it will permit.

I am, with the sincerest esteem,

Your Excellency's most

obed't humb. servt.,

JOHN DICKINSON.

Directed,

His Excellency, Governor Harrison.

[Letter Book, Vol. II., p. 51.]

No. 8.

SEC'Y ARMSTRONG TO M. HUFFNAGLE, 1783.

Secretary's Office,

Philadelphia, 25 September, 1783.

Sir,

The preservation of the Timber† upon the reserved tract opposite to Pittsburgh, has now become a very important object to the state, I have now the directions of Council therefore to express their wishes that such precautions for its future security be immediately taken, as you will think best calculated to answer the purpose. I enclose a line to General Irvine upon this subject—requesting such military assistance as it may be proper or convenient to give.

Your letter of the 18th July, 16th August & 7th of September, have all been received. It gives me pleasure to add, that the mode in which you have conducted the late inquiry, meets the entire approbation of Council.

I am, Sir, your mo. obed. servt..

JOHN ARMSTRONG, JR.

Sec'y.

Directed,

Michael Huffnagle, Esq.

[Letter Book, Vol. II., p. 53.]

* See Col. Rec., Vol. XIII., p. 685.

† See Archives, Vol. X., p. 115, 140, 141.

No. 9.

SEC'Y ARMSTRONG TO GENERAL IRVINE, 1783.

Secretary's office, September 25, 1783.

Dear General,

By a letter to M. Huffnagle which accompanies this, you will see how much it is the object of Council to preserve the Timber upon the reserved Tract opposite to Pittsburgh, from abuse and destruction. Though Council are perfectly assured of your support upon this and every other occasion, yet as they cannot so entirely confide in the person who may be appointed to succeed you; it is their wish that the instructions you leave for the government of the post may be somewhat directed to this object, and that while you continue personally to command it, all necessary aid may be given to the execution of M. Huffnagle's trust.

I am, Sir, with much respect,
your obed. humb. servt.,
JOHN ARMSTRONG, JR.
Sec'y.

Directed,
General Irvine, at Fort Pitt.
[Letter Book, Vol. II., p. 53.]

No. 10.

PRESIDENT DICKINSON TO GOVERNOR HARRISON, 1784.

Philadelphia, 4th Feb'y, 1784.

Sir,

Your letter of 23d of last July has been received and communicated to the General Assembly. Mr. John Campbell has lately presented a memorial to us, desiring to have his and Colonel Charles Simson's right completed in the lands mentioned in the entries, of which copies are now inclosed. Being sincerely desirous inviolably to observe the agreement between Virginia and this Commonwealth, We have this day applied by message to the General Assembly, recommending a confirmation of the agreement by law & the establishment of powers for carrying the same with good faith into execution. That this business may be properly conducted, we beg leave to rely upon the Government of Virginia for Transcripts of the laws relative to the subject, and for certificates respecting the authenticity of the documents produced by Mr. Campbell It may be of use to

persons having similar claims if your State would be pleased to furnish us with authenticated copies of all the proceedings in public offices upon which they are founded.

I have the honor to be, Sir,
your Excellency's most obedt.
& humble servant,
JOHN DICKINSON.

Directed,
To His Excellency, the Governor of Virginia.

[Letter Book, Vol. II., p. 68.]

No. 11.

PRESIDENT DICKINSON TO COLONEL ANDREW PORTER, 1784.

Philadelphia, 20th April, 1784.

Sir,

By the inclosed Act of Council you will perceive your appointment as Commissary to attend the Commissioners for running the Boundary Lines between this State and Virginia, and the nature of the duty entrusted to your care.

Council are persuaded that it will be conducted by you with all possible attention & œconomy. If the Commissioners shall be of opinion that any of the Waggons or Horses can be spared without detriment to their operations, you will be pleased, with their approbation and consent, to dispose of them to the most advantage.

Should unforeseen exigencies happen that may render any expences necessary which has not been mentioned, you will please to comply with the directions of the Commissioners, so that the very important business committed to them may be perfectly accomplished.

A list of the articles to be purchased before you set out, is enclosed.

I have the honor to be,
with great & sincere esteem,
your mo. obed. & humb. servt.,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 86.]

No. 12.

Instructions to Commissioners for Meeting with the Indians, 1784.

To the Commissioners for meeting the Indians and purchasing lands.

Philadelphia, 20th April, 1784.

Gentlemen,

From the Resolution of the Honorable, the General Assembly, of the twenty fifth of September,* and from an act of twenty-third of February† copies of which are inclosed, you will so fully understand the nature of the business committed to your management, that it will be unnecessary for us to say much upon the subject.

In executing the Trust delegated to you, it will be proper that your proceedings should correspond with the intentions of Congress and the measures to be pursued by their Commissioners, so that the object aimed at by this Commonwealth may be attained, and a just regard for the fœderal councils be at the same time observed.

You will be pleased to take notice that by the Act passed the last Sessions of the General Assembly "for opening the Land Office," &c., it is enacted that all persons possessed of old Rights, unsatisfied Warrants, or other grants from the late proprietaries, be & they are hereby confined, [confirmed ?] incorporating the same to the lands already purchased from the Indians, and in order to prevent disputes touching the same, it is hereby enjoined on the Commissioners appointed for making a further purchase, that they ascertain in their negociations with the Indians, with the greatest possible precision, the line between the lands already purchased and those that shall be by them purchased." In complying with these directions of the Act, it appears to us that besides the names of places mentioned in the description of the line, the particular spot designated by those names should be very accurately ascertained, wherever a question could otherwise arise, what were the places really intended.

I have the honor to be,
with sincere and great esteem, Gentlemen,
your most obedient & humble servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 88.]

* See Vol. X., p. 111.
† See Col. Rec., Vol. XIV., p. 40.

No. 13.

PRES. DICKINSON TO DELEGATES IN CONGRESS, 1784.

To the Honorable Delegates of Pennsylvania in Congress.

In Council,
Philadelphia, April 27, 1784.

Gentlemen,

Inclosed is a copy of a paper delivered to us by Col. Johnston, who requested that we would confirm the appointment of Major Bowen and Captain Beatty.*

It appeared to us to have been the meaning of Congress in their act of the third of last November, that the Executive power of each State should direct in what manner certificates should be distributed and deposited and therefore we did not choose in proceeding upon that act, to confirm a substitution of persons in place of Regimental Agents.

However we are perfectly convinced that from the dispersed situation of the officers and soldiers an appointment of Regimental Agents for the Pennsylvania Line is impracticable; and that it is necessary some other mode should be established by Congress; several circumstances require that this regulation should be made as soon as possible. We have conversed with the pay-master General upon this subject, and he approves of the appointment of Major Bowen and Captain Beatty.

We therefore desire you, Gentlemen will be pleased without loss of time to obtain an act of Congress, confirming the before-mentioned appointment, or authorizing some other person to receive the certificates belonging to the officers and soldiery of our line from the pay-master General and that it may be transmitted to us by the earliest opportunity.

With the greatest Esteem,
I am, Gentlemen, your mo.
obed. and humb. Servant,
JOHN DICKINSON.

[Letter Book, Vol. II., p. 90.]

* See Vol. X., pp. 437, 596, 604, 605.

No. 14.

DELEGATES IN CONGRESS TO PRESIDENT DICKINSON, 1784.

To His Excellency, John Dickinson, Esq.

Annapolis, 6th May, 1784.

Sir,

In compliance with the Desire of the Honorable the Supreme Executive Council, communicated to us by your Excellency's letter of the twenty seventh ultimo, we have the honor to transmit the inclosed Resolutions, confirming the appointment of Major Bowen and Captain Beatty to act as Agents for the late Pennsylvania line.

With great Respect,
we have the honor to be
your Excellency's most obedient
and most humble servants,
THOMAS MIFFLIN.
JOHN MONTGOMERY,
EDWARD HAND.

[Letter Book, Vol. I., p. 164.]

No. 15.

ROBERT MORRIS TO PRESIDENT OF STATE, 1784.

Circular.

Office of Finance, 26th May, 1784.

Sir,

I have just now received from Joseph Pennell Esq., Commissioner for adjusting the Accounts of the Marine Department a Letter of the twenty-fifth from which an Extract is enclosed. The matter there mentioned will doubtless have a like operation on the conduct of other Commissioners of Accounts, and it therefore becomes my Duty to submit the matter to the several states that those who have complied with the Recommendation of Congress, may have reason to approve of such compliance and that those who have omitted may be thus early apprized of those necessary consequences which they might otherwise complain of as partial Preferences.

With perfect Respect,
I have the Honor to be,
Sir, your Excellency's
Most obedient &
Humble Servant,
ROB. MORRIS.*

Directed,
His Excellency, the President of Pensilvania.

* From the original.

No. 16.

Extract of a Letter from Joseph Pennel, referred to above, 1784.

Extract of a Letter from Joseph Pennell, Esq'r, Comm'r, for accounts of the Marine Department, dated 25th May, 1784.

I cannot learn that the States generally have complied with the Recommendation of Congress of 27th February, 1782, to impower the Commissioners for the Departments to recover "from Individuals, "Debts due and Effects belonging to the United States." It will be answering but part of the purpose of my appointment to go into those States who have not complied with the said Recommendation because I shall there be called upon by the Creditors without having it in my power to bring the Debtors in this Department to account, and I think there is a Preference due in the Settlement of accounts to the Citizens of those States, who have complied with the Recommendation of Congress.

No. 17.

Sales of Lots, (part of the Barrack Ground,) June 5, 1784.

Lot marked B.

	Michael Billmeyer,	£200	32.	Jos. & Sam'l Shober,	£85
1.	John Leibert,	160	33.	The Same,	65
2.	Christian Wurtz,	150	E.	Joseph Donaldson,	170
3.	Jacob Shreader,	150	73.	John Kunkel,	105
4.	William Sutton,	150	22.	Thomas Bryan,	75
5.	Paul Sturmsels & Engelhart Minzer	140	23.	Abraham Sheridan,	75
6.	The Same,	150	24.	John Keen,	60
7.	John Growl,	150	25.	Christopher Rauch,	70
8.	William Guiss,	150	26.	The Same,	75
9.	The Same,	155	27.	William Guiss,	77 10
10.	Christopher Rauch,	145	28.	Christian Wurtz,	82 10
11.	The Same,	150	29.	Col. Atlee,	70
12.	David Sheffer, jr..	150	30.	Col. Atlee,	70
13.	The Same,	150	31.	Col. Atlee,	70
14.	John Keen,	145	42.	Michael Hilligas,	75
15.	John Keen,	145			
16.	William Will,	155			3820

M. HILLEGAS,
TENCH FRANCIS.

No. 18.

PRES. DICKINSON TO GOV. HARRISON, 1784.

To His Excellency, Gov. Harrison.

In Council,
Philad'a, Septem. 15, 1784.

Sir,

We have had the Honor of receiving your letter of the Twenty-eighth of August,* with the inclosures for which we are much obliged and hope that your Excellency will be so good as to forward to us transcripts of the other entries mentioned in your letter.

It will be also necessary, that we should have copies of the Laws of your State relative to the subject, that we may be enabled to determine the merits of the cases upon which applications are made to this State and the items upon which such claims ought to be confirmed.

I am, with very great esteem,
your Excellency's most obedient
& most humble servant,
JOHN DICKINSON.†

No. 19.

COMMISSIONERS OF INDIAN PURCHASE TO PRES. DICKINSON—ERIE, 1784.

We the subscribers *Commissioners* appointed by the Honorable The Supreme Executive Council of the State of Pennsylvania, for the purpose of purchasing of the Indians the Territory within the acknowledged Limits of the same state which hath not heretofore been purchased, do hereby promise and engage as part of the consideration of the same purchase, which is now accomplished, to deliver to the six nations, or such person or persons, as they may appoint, and who shall as a voucher bring with him or them, this our obligation, Goods wares or merchandize of such assortment as the Indians shall now direct, to the amount of one thousand Dollars

* See Vol. X., p. 602, for this Letter.—In Letter Book, Vol. I., pp. 231—241, 263—266, is the list of entries made with the Commissioners under Act of Virginia, May, 1779, in detail. Also Col. Rec. Vol. XIV., p. 200.

† See reply to this letter, Vol. X., p. 608, and additional list in Letter B., I., p. 263—266.

at the Pennsylvania Line near Tioga, on the first day of October, anno Domini 1784.

Witness present,

SAML. J. ATLEE,
WILLIAM MACLAY.
FRANCIS JOHNSTON.

Copy taken from and Compared with the original.
G. EVANS, Secy,

No. 20.

PURCHASE OF INDIAN LANDS, 1784.

To all people to whom these Presents shall come. The Honorable Samuel John Atlee, Esquire, William Maclay, and Francis Johnston, commissioners, duly appointed by the Honorable, The Supreme Executive Council, of the State of Pennsylvania &c., send Greeting, Whereas, the six nations, to wit. the Mohawks, Oneidas, Onandagoes, Cayugas, Senecas and Tuscaroras, have this day sold to the State of Pennsylvania, all that part of the State of Pennsylvania heretofor eunpurchased, Beginning at the South side of the River Ohio, where the western Boundary of the State of Pennsylvania crosses the said River near Shingas Old Town at the mouth of Beaver Creek, and thence by a due north line to the End of the forty second, and beginning of the forty third degrees of North Latitude, thence by a due East line separating the forty second and forty third degrees of North Latitude, to the East side of the East Branch of the River Susquehanna, thence by the Bounds of the late purchase made at Fort Stanwix the fifth day of November anno Domini one thousand Seven hundred and Sixty-Eight as follows, down the said East Branch of Susquehanna on the East side thereof, till it comes opposite to the mouth of a creek called by the Indians Owandae and across the River, and up the said creek on the south side thereof and along the range of Hills called Burnet's Hills by the English and by the Indians ——, on the north side of them to the head of a creek which runs into the West Branch of the Susquehanna which creek is by the Indians called Tyadaghtan, but by the Pennsylvanians, Pine Creek, and down the said creek on the south side thereof, to the said West Branch of Susquehanna, then Crossing the said River, and running up the same, on the south side thereof the several courses, thereof to the Forks of the same River which lie nearest to a place on the River Ohio, called Kittanning and from the Forks by a straight line to Kittanning aforesaid, and then down the said River Ohio by the several Courses thereof, to where the Western Bounds of the said State of Pennsylvania crosses the same River at

he place of beginning. Now know ye, that notwithstanding the ale aforesaid, That it is not to be understood that the said Six Nations are by the same sale excluded from the privelege of hunting on the said lands now sold, but that on the contrary the Liberty of hunting on the said unimproved Lands is expressly reserved to them. In Testimony whereof, we have hereunto set our hands and seals at Fort Stanwix the twenty third day of October, 1784.

Witness present, SAML. J. ATLEE,
WM. MACLAY,
FRANCIS JOHNSTON.

Copy taken from and compared with the original, excepting the courses referred to which were inserted.

GRIFFTH EVANS, Secy.*

[Letter Book, Vol. I., p. 321–323.]

No. 21.

OBLIGATIONS OF THE COMMISSIONERS TO INDIANS, 1784.

We the subscribers, Commissioners appointed to purchase of the Indians the late unpurchased Territory within the acknowledged limits of Pennsylvania do promise, to deliver as soon as conveniently may be, to Cap. Aaron Hill of the Mohawk Tribe, and to Captain O'Bale of the Seneca Tribe two good Rifles of neat workmanship, one for each of them, the Rifles to be sent to the new store near Tioga, if it should not be convenient for the said Captain Aaron Hill or Captain O'Bale to come themselves, the Rifles to be delivered to the Bearer of this obligation. These Rifles given to them in consideration of their services at the late purchase. Witness our hands this 25th day of October, 1784.

Witness present, SAML. J. ATLEE,
G. Evans, WM. MACLAY,
James Dean, FRANCIS JOHNSTON.

Copy taken from and compared with the original.

G. EVANS, Secy.

* See Pennsylvania Archives, Vol. X., p. 346.

No. 22.

COMMISSIONERS TO TREAT WITH INDIANS TO PRES. DICKINSON, 1784.

To His Excellency, John Dickinson, President in Council.

Pittsburg, December 11, 1784.

Sir,

By the first opportunity we have the honor to inform your Excellency and Council of our arrival at this place on the 6th instant, on our way to Cayahoga where agreeable to appointment we met the Continental Commissioners.—These Gentlemen, conceiving the season of the year, the depth of the waters, and difficulty of transportation, powerful objections against holding a Treaty at that place —have sent Alexander Lowry Esq., and Mr. Boggs interpreters to the Indian Countries with a view of inducing them to convene at Fort McIntosh. This place in our opinion is much more convenient for our negociations than the former and better calculated to prevent Expenses to the State.

We have every Reason to suppose the Indians will meet us there, but should they not, your Excellency and the Honorable Council may be assured, we shall with the utmost assiduity proceed with the commissioners of Congress to such place and at any time they shall appoint, being determined that nothing shall be wanting on our part to bring our negociations with the Western Indians to the same pleasing Issue, we so happily effected with the six confederated nations. Your Excellency and the Honorable Council would in all probability facilitate our Business by inclosing to us the proceedings of the Commissioners appointed to ascertain the Southern Boundary of the State, particularly if they have with certainty fixed the South west corner—indeed this information we expected to have received from the commissioners themselves but unfortunately as yet have heard nothing of them.

We have the honor to be,
with very great respect,
your Excellency most obed.
& very humble servants,

SAML. J. ATLEE,
FRANCIS JOHNSTON.

[Letter Book, Vol. I., p. 278.]

No. 23.

Comm'rs of Virginia and Maryland to Pres. Dickinson—Internal Navigation, 1785.

To His Excellency, John Dickinson, Esq.

Virginia, Mount Vernon, Mar. 28, 1785.

Sir,

In pursuance of Instructions from the Legislatures of Virginia and Maryland respectively to us given we beg leave to represent to the State of Pennsylvania that it is in contemplation of Virginia & Maryland to promote the clearing and extending the navigation of Patowmack from Tide-Water as far as the same may be found practicable to open a convenient Road from the head of such navigation to the Waters running into Ohio and to render these waters navigable as far as may be necessary and proper: that the said works will require great Expense which will not be re-paid unless a free use be secured to the said states and their citizens, of the waters of the Ohio and its branches be secured so far as the same lie within the limits of Pennsylvania that no essential advantages will accrue from such works to a considerable portion of the said state, it is thought reasonable that the Legislature thereof should by some previous act engage that for the encouragement of the said works all articles of produce or merchandize which may be conveyed to or from either of the said two states through either of the said Rivers within the limits of Pennsylvania to or from any place without the said limits shall pass throughout free from all duties or tolls whatsoever other than such tolls as may be established and be necessary for reimbursing expences incurred by the state or its Citizens in clearing or defraying the Expense of preserving the navigation of the said Rivers; and that no article imported into the state of Pennsylvania through the Channel or Channels or any part thereof to be opened as aforesaid, and vended or used within the said state shall be subject to any duties or imposts other than such articles would be subject to if imported into the said state through any other channel whatsoever.

We request, Sir, that you will take the earliest opportunity of laying this represensation in behalf of the two states, before the Legislature of Pennsylvania and that you will communicate the results to the Executives of Virginia & Maryland. By acts of the Legislatures of Virginia & Maryland for opening the navigation of the River Potowmac above Tide-water. The Citizens of the United States have the same Rights of trading through the said waters that the Citizens of Virginia and Maryland enjoy, & we have no doubt but the legislature of your state will agreeably to this principle give every encouragement to measures which have for their

object the interest and convenience of their Citizens and those of the other States in the Union.

We have the Honor to be,
Sir, your Excellency's
most obed. servants,

G. MASON, } Comm'rs for
ALEX HENDERSON, } Virginia.

DAN'L ST. THOMAS JENIFER, } Comm'rs. for
T. STONE, } Maryland
SAM'L CHASE. }

[Letter Book, Vol. I., p. 331.]

No. 24.

GEN'L WM. IRVINE TO GEN'L ARMSTRONG, 1786.

Carlisle, July 18th, 1786.

Dear Sir,

I have been favoured with your letter of the 7th instant, and Major Alexander received one also by the same hand from Mr. Lukins, in which he informs him of his nomination to the depreciation District & promises to forward his Commission & instructions in a few days—which have not yet arrived, and the Major is extremely anxious to proceed, but cannot without them. It would tend much to expedite compleating the donation business if in the mean time John Henderson's Surveys were rejected by Council, and Alexander appointed to lay off an equal number in such parts of the reserved tracts for that purpose as it can be found without being confined to any particular district. If the Surveyor General has not found my letter in which I complained of John Henderson's Surveys as improper to be accepted—he has had sufficient verbal testimony as well from me as sundry other persons to justify his informing Council that the land is not such as the Assembly intended the troops should get, or they could possibly think of receiving, particularly as he surveyed all bad and left a large quantity of good within his district.

I flatter myself Council will without hesitation adopt measures for facilitating this business soon by which the troops may yet get their lots this fall, but if on the contrary they are obliged to apply again to the Assembly, (which I find they are determined to do unless redressed by Council,) another year will be spent and they will begin to think they are never to receive them. If something has not been already done in this affair, I earnestly beg the favor of your attention to it as speedily as possible.

I am, Dear Sir, your obed. Servt.

Directed,
Gen'l Armstrong.

WM. IRVINE.*

* From the original.

No. 25.

Gen'l Wm. Irvine to Pres. Dickinson—Donation Lands, 1785.

To His Excell'y, John Dickinson, Esq.

Carlisle, August 17, 1785.

Sir,

You have herewith transmitted my description of the donation tract of country, together with a sketch. These will I hope prove satisfactory to your Excellency and the honorable the Council, and answer the public purposes for which they are designed.

I observed in a former Letter that few of the deputy surveyors, attended on my first going into the country, these agreed to postpone the Business till September. On my return to Fort Pitt after my Tour, so late as July I found three of the Gentlemen preparing to set out to survey. I did not consider it my duty to attend so small a number of them as it would be spending the public money and my own time to little purpose, besides the Law gives me no other control over them than to report to the Surveyor General should they neglect or delay performing their duty. And I find sundry of them conceive they have not only a right, but are in some measure obliged to survey the land, good or bad as each of them are instructed to survey a certain number of lots, for instance 260 of different descriptions and sizes without any regard to water, bottom, upland or any of the usual modes observed in laying of land. "Several of the districts has not 20 lots of good land in them, yet the deputies are each instructed to survey upwards of 260, when others contain, perhaps double the quantity directed."

Unless the Surveyor General alters his instruction materially, or Council, or the Assembly, take order in the premises, the whole end designed will be defeated as no man of common understanding will accept of pay for surveying such land.

I am of opinion there is more than sufficient of good land on the Tract appropriated to answer the purpose, provided the Western Boundary Line of the State strikes the west Branch of Beaver Creek as high as is generally supposed. Mr. McLane is of opinion it will cross, at least, sixteen miles higher than where his line does. In this case I propose this alteration for the consideration of Council, that the deputies be instructed to begin at the west line of the state and survey all the land on the several branches of Beaver within the tract, before any other is laid off, if this should not prove sufficient, then proceed to the forks and upper branches of Tunck and Oil Creeks for the remainder. This mode will, I conceive, be better for the troops as their settlement, or vicinity to others, will be more compact, consequently the land more valuable and it will certainly be more advantageous to the state, as whatever lands of value may be along the River and upper end of the Tract will be reserved un-

culled, to dispose of as may be judged most expedient; and notwithstanding the spots of good Land are detached; yet some of them are of such excellent quality, and so well situated on account of Water Carriage, easy communication with Lake Erie, and so well calculated for stock farms, that the state may be much benefitted by reserving them for future disposal.

This mode will occasion an alteration, perhaps with respect to the number of deputies as fewer than the present number appointed would execute this mode best, and four or five would doubtless perform the Business, provided they are allowed to employ assistants; these four or five might have constant communication with each other, and act as it were superintendants over the assistants, by which they could determine when the number of Lots of each class required is done. I know it may be urged in opposition to this, that sundry of these Gentlemen have already gone to considerable expence in equipping themselves for the business and that it will be hard to dismiss them under these circumstances. To this I answer that the private advantage of two or three men ought not to be put in competition with that of as many thousands, particularly where the interest of the state at large is concerned also. I farther answer that these men may be employed by the principals and I will venture to assert, that some of them are scarce fit even for this subordinate station, as perhaps the first chain or compass they ever saw was purchased for this occasion. The number, however, that I have proposed may be found among the Gentlemen who understand both Theory & Practice extremely well and are men of approved integrity, and I believe the state will find their account in this or some such mode, if they even pay the trifling expence these Gentlemen have been at.

I have the honor to be,
with the greatest Respect,
Sir, Your Excellency's most
obedient humble servant,
WM. IRVINE.

Notes taken and observations made [by] the Agents appointed to explore the tract of country presented by the state to the late troops of the Pennsylvania Line, of the American Army.

In exploring the donation land, I begun on the Line run by Mr. McLane between that and the tracts appropriated for redeeming depreciation certificates which he ascertained by a due North Line to be near thirty miles from Fort Pitt, and by the Common computation along the path leading from Fort Pitt to Venango on the mouth of French Creek, which some affirm was actually measured by the French when they possessed that country. I found it forty miles; East of this path along Mr. McLanes Line for five or six

miles, the land is pretty level, well watered with small springs, and of tolerable quality, but from thence to the Alleghany River which is about Twenty-five miles due East, there is no land worth mentioning fit for cultivation; as far as French Creek all between the Venango Path and the Alleghany there is very little land fit for cultivation, as it is a continued chain of high barren mountains except small breaches for Creeks and Rivulets to disembogue themselves into the River. These have very small bottoms.

As I proceeded along the path leading to French Creek about five miles to a Branch of Beaver or rather in this place called Canaghquenese I found the Land of a mixed quality, some very strong and broken with large quantities of fallen Chestnut interspersed with strips covered with Hickory, lofty oak, and for under Wood or Brush, Dogwood, Hazel, &c.; along the Creek very fine rich and extensive bottoms in general fit for meadows; from hence to another branch of said Creek called Flat Rock Creek, about ten miles distant, the land is generally thin, stony and broken, loaded, however, with Chestnut Timber, the greatest part of which lies flat on the earth, which renders it difficult travelling—at the usual crossing place on the last named Creek, there is a beautiful fall over a Rock ten or twelve feet high, at the fording immediately above the fall, the bottom is one entire Rock, except some small perforations which is capacious enough to receive a horses foot and leg—it is here about forty yards wide and runs extremely rapid. From flat Rock to Sandy Creek by Hutchins & Scull called, Lycomie, is about Twenty-four miles; on the first twelve there are a considerable quantity of tolerable level lands tho' much broken with large stony flats, on which grows heavy burthens of Oak, Beech, and Maple, particularly seven or eight miles from the Creek there is a plain or savannah three or four miles long, and at least two wide, without anything to obstruct the prospect, except here and there a small grove of lofty Oaks or Sugar Tree, on the skirts the ground rises gradually to a moderate height from which many fine springs descend, which water this fine Tract abundantly—along these Rivulets small but fine spots of meadow may be made, from hence the remaining twelve miles to Sandy Creek is a ridge or mountain, which divides the waters of the Alleghany, the Beaver and Ohio, and is from East to West at least three times as long as it is Broad—on the whole of this there is little fit for cultivation, yet some of it is well calculated for raising stock. But a person must be possessed of very large Tracts to enable him to do even this to purpose.

From Sandy to French Creek is about seven or eight miles from the mouth, but it soon Forks into many small runs, and is but a few miles from the mouth to the source—there are two or three small bottoms only on this Creek—to French Creek is one entire hill, no part of which is by any means fit for cultivation.

On the lower side, at the mouth of French Creek, where the Fort called Venango formerly stood, there is three or four hundred acres

of what is commonly called upland or dry bottom, very good land. On the North East side, about one mile from the mouth, another good bottom begins of four or five hundred acres, and on the summits of the hills on the same side, tho' high, there is a few hundred acres of land fit for cultivation—this is all in this neighborhood nearer than the first fork of the Creek; which is about eight miles distant. On the Road leading from French to Oil Creek, within about three miles and a half of Venango, there is a Bottom of fine land on the Bank of the Alleghany, containing four or five hundred acres, there is little beside to Oil Creek fit for cultivation.

French Creek is one hundred and fifty yards wide.

From French to Oil Creek is about eight miles—this is not laid down in any map, notwithstanding it is a large stream not less than eighty, or perhaps a hundred yards wide at the mouth, a considerable depth, both of which it retains to the first fork, which is at least twenty miles up, and I am certain is as capable of rafting timber or navigating large boats on as French Creek in the same seasons this high. On the North East or upper side of this creek, at the mouth, is four or five hundred acres of good bottom, and about a mile up there is another small bottom on the South West side, which is all the good land to the first fork.

Oil Creek has taken its name from an oil or bituminous matter being found floating on the surface. Many cures are attributed to this oil by the natives, and lately by some whites, particularly Rheumatic pains and old Ulcers; it has hitherto been taken for granted that the water of the Creek was impregnated with it, as it was found in so many places, but I have found this to be an error, as I examined it carefully and found it issuing out of two places only—these two are about four hundred yards distant from [each] other, and on opposite sides of the Creek. It rises in the bed of the Creek at very low water, in a dry season I am told it is found without any mixture of water, and is pure oil; it rises, when the creek is high, from the bottom in small globules, when these reach the surface they break and expand to a surprizing extent, and the flake varies in color as it expands; at first it appears yellow and purple only, but as the rays of the sun reach it in more directions, the colors appear to multiply into a greater number than can at once be comprehended.

From Oil Creek to Cuskakushing, an old Indian Town, is about seventeen miles—the whole of this way is barren, high mountains, not fit for cultivation; the mountain presses so close on the River that it is almost impassable, and by no means impracticable when the River is high, then travellers either on foot or horseback are obliged to ascend the mountain and proceed along the summit.

At Cuskushing there is a narrow bottom about two miles long, good land, and a very fine Island fifty or sixty acres, where the Indians formerly planted corn. From Cuskushing to another old Indian Town, also on the Bank of the River, is about six miles;

this place is called Canenacai, or Hickory Bottom; here is a few hundred acres of good land and some small Islands, from hence to a place named by the natives the Burying Ground, from a tradition they have that some extraordinary man was buried there many hundred years ago, is about thirteen miles; most of this way is also a barren and very high mountain, and you have to travel greatest part of the way in the Bed of the River. To Brokenstraw Creek, or Bockaloons, from the last named place is about fourteen miles, here the hills are not so high or barren, and there are sundry good bottoms along the River. About half way there is a hill called by the Indians Paint Hill, where they find very good red oker. Brokenstraw is thirty yards wide, there is a fine situation and good bottom near the mouth on both sides, but a little way up the creek large hills covered with pine make their appearance. From Brokenstraw to Canewago is eight or nine miles—here is a narrow bottom, interspersed with good dry land and meadow Ground all the way, and there is a remarkable fine tract at the mouth of Conewago, of a thousand or perhaps more acres, from the whole of which you command a view up and down the main branch of Alleghany, and also up Conewagoo a considerable distance. Conewagoo is one hundred and fifty yards wide, and is navigable for large boats up to the head of Jadaque Lake, which is upwards of fifty miles from its junction with the east branch of the River. The head Jadaque Lake is said to be only twelve miles from Lake Erie, where it is also said the French formerly had a Fort, and a good Waggon Road from it to the Lake. Conewagoo forks about thirty miles from the mouth of the East Branch, is lost in a morass where the Indians frequently carried their canoes across into a large creek called the Cateraque, which empties into the lake forty or fifty miles above Niagara.

This account of the Branches of Conewagoo I had from my Guide, an Indian Chief of the Senecas, a native of the place, and an intelligent white man, who traversed all this country repeatedly I have every reason to believe the facts are so—tho' I do not know them actually to be so as I went only a small distance up this creek, being informed there is no land fit for cultivation to the first fork or to the lower end of Jadaque Lake, which begins seven miles up the West Branch, except what has already been mentioned at the mouth of the creek, the appearance of the country, in a view taken from the summit of one of the high hills, fully justified this Report, as nothing can be seen but one large chain of mountains towering above another—here, perhaps, it may not be amiss to insert the supposed distances in a collected view—and First from Fort Pitt to Mc' Lenes, ... 40 miles

To fourth branch of Canaghqunese, . . . 5
Rocky, or Flat Rock Creek, . . . 10
Sandy Creek, . . . 24
French Creek, . . . 8

Oil Creek,	6 miles
Cuskacushing,	17
Cananacai,	6
The Burying Ground,	13
Brokenstraw,	14
Conewagoo,	9
	154
Deduct from Fort Pitt to Mc'Lenes line between the depreciation and donation tracts,	40
Leaves the donation land to be	114 miles long

For the same reason that I did not proceed far up Conawagoe, I returned the most direct Road to the burying Ground—here three old Indian paths take off, one to Cayahaga, on Lake Erie, one to Cuskusky, on the west branch of Beaver Creek, and the third to a Salt spring, higher up the same branch of Beaver—from hence I crossed the chain of mountains, which runs along the River, and in travelling what I computed to be about twenty five miles, reached the first fork on Oil Creek, on the most easterly Branches there are vast quantities of white Pine, fit for masts, Boards, &c. In this fork is a large Body of tolerable good land, tho' high, and along the West Branch very rich and extensive Bottoms fit for meadow, of the first quality—this continues about fifteen miles along the creek, which is a beautiful stream, from thirty to forty yards wide, and pretty deep. From the West Branch of Oil Creek I proceeded on a Westerly course, about ten miles along a ridge which is difficult to ascend, being high and steep, but when you get up it is flat on the summit, four or five miles broad, very level, and fine springs issue from the declivity on both sides, the land heavily loaded with Hickory, large oak, maple, and very large Chesnut. From the West End of this Ridge several large springs rise, which form the most Easterly branch of French Creek—there are five branches of this Creek, which is called Sugar Creek, by Mr. Hutchins, all of which have fine Bottoms, excellent for meadow and pasturage, but the upland or ridges between are stony, cold, moist and broken, chiefly covered with Beech, Pine, and scrubby Chesnut.

At the fork or junction of Sugar Creek with the main or West Branch of French Creek, (which is only eight miles up from Venango,) there is some fine plains or savannahs, and a large quantity of meadow ground—there are but few bottoms, and little or no upland besides what is above mentioned, for twenty miles up this branch, where there is a considerable quantity of excellent meadow ground, beside which there is not much good land until you reach Le Berroff (Bœuf?)

From Venango, I returned along the path leading to Pittsburg to within about seven miles of Flat Rock Creek—here I took a West

course along a large dividing Ridge already noticed, about ten miles, where I struck a branch of Canaghquenese, or Beaver, about thirty yards wide, and which joins Flat Rock before it empties into the main branch of Canaghquenese—on this creek is very fine and larger bottoms, and in some places some good upland, tho' much broken with high barren hills and some deep morasses. This creek is not laid down in any map that I have seen. After having explored this creek and Lands adjacent, I proceeded on a South course till I struck Mr. McLene's line within eight miles of the Great Beaver Creek, which I followed to the Creek; all this distance is very hilly, there are some small bottoms, but the major part of those eight miles is not fit for cultivation.

From where Mr. McLene's line strikes the great or West Branch of the Beaver, I continued exploring the country up the several western branches of the Beaver, viz., the most Westerly, and two branches denominated the Shenango. The distance from the above named line to an old Moravian Town is three or four miles, from thence to Shenango, two and a half or three miles; thence to a fork or second branch, two miles; from the mouth of Shenango to Cuskuskey, on the West branch, is six or seven miles, but it was formerly all called Cuskuskey by the natives along this branch as high as the Salt spring, which is twenty five miles from the mouth of Shenango.

There is such a similarity in almost all the lands on all the branches of Beaver Creek, that a particular description of each would be mere [repetition]. I shall therefore only briefly observe that the bottoms generally are the most excellent that can be well imagined, and are very extensive—the upland is hilly, and some bad, but most of the hills are fertile and very rich soil—from the falls of the Great Beaver up to the head of the West Branch, and twenty miles up the Shenango branch, is to a considerable distance on either side those creeks there is little land but may be cultivated, and I believe no country is better watered.

I herewith transmit a sketch of that part of the country only which my duty as Agent obliged me to explore. This, together with the Remarks herein contained will, I flatter myself, give a juster idea of the tract than any map yet published. Tho' I do not pretend to say it is correct, as the distances are all supposed, and there are probably several omissions in this sketch, yet more creeks, hills, &c., are noticed than have been before, and their real courses and near connection & division by Hills & Ridges ascertained.

No Creek is laid down or branch which is not upwards of Twenty yards wide—smaller runs are not noticed—on the whole I have endeavored as well in the remarks as in the sketch,* so far as I have gone, to answer the end for which I was appointed Agent, as well as in my power. WM. IRVINE, Agent.

N. B. The dotted lines show the several courses taken in explor-

* This sketch has not been found.

ing the country on the sketch—beside the several offsets were made to gain summits of Hills for the benefit of prospects. All the Branches of Canaghquenese, which are six or seven in number, join and form one large Creek before it enters the Beaver, the junction is about eleven miles above the mouth of Beaver from above the falls, and four below McLene's line. I have been unavoidably obliged to leave the North and West lines open in the sketch, as I could not do otherwise till these boundary lines are run; this also prevented my compleating the business, not being able to determine perhaps within several miles, where the lines may run. I am persuaded the State of Pennsylvania might reap great advantages by paying early attention to the very easy several communications with lake Erie from the Western parts of their country, particularly Conewagoo; French Creek and the West Branch of Beaver, from a place called Mahoning to where it is navigable for small craft is but thirty miles to Cayahuga River, which empties into the Lake. A good Waggon Road may be made from Fort Pitt to the mouth of French Creek, & all the way from the mouth of Beaver to Cayahuga, which is not more than 80 miles. The breadth of the Tract cannot be ascertained till the Western Boundary is run. Mr. McLene suspends for this reason extending his line further West than the Great Beaver, which he has found to be 47 miles from the mouth, Mogwolbughtitum, from this part of Beaver Creek it is conjectured the West line of the State will run 10 or 12 miles.

[Letter Book, Vol. I., p. 344–50.]

No. 26.

Secretary Armstrong to John Maxwell Nesbitt, Esq., 1785.

Secretary's Office,
Philadelphia, October 24, 1785.

Sir,

Agreeably to an order of Council of Saturday last, I have the honor of transmitting to the Committee of Merchants, a Copy of a letter from the Secretary for foreign affairs, inclosing some advices from the Chevalier Jones and Mr. Soulanger,* peculiarly interesting to the Mercantile part of the States.

I am Sir,
with great regard,
your obed. & very humble servant,
JOHN ARMSTRONG, Jun., Secy.

[Letter Book, Vol. II., p. 184.]

* Not found—according to Col. Rec., Vol. XIV., p. 560, they gave notice of a declaration of War, between Algiers and the United States.

No. 27.

To the Executive Authority of the Several States of the Union. 1786.

To the Executive Authority of the Several States of the Union.

(Circular,)

Council Chamber, Philadelphia, April 12, 1786.

Sir,

I have the honour to communicate a Resolution of the General Assembly of this Commonwealth of the 21st day of March last, and a minute of Council thereupon of this day.

I am Sir,

with the Highest Respect,

your most obedient humble servant,

CHAS. BIDDLE, V. P.

No. 28.

Resolution of Assembly—Commercial Regulations, 1786.

State of Pennsylvania,

In General Assembly, Tuesday March 21, 1786,—A. M.

The Report of the Committee read March 11th, on that part of the message from the Supreme Executive Council which respects a convention of the States proposed by the commonwealth of Virginia was read the second time, whereupon,

Resolved, That five commissioners be appointed on the part of this State, any three of whom may act to meet such commissioners as may be appointed by the other States in the Union at a time and place to be agreed on, to take into consideration the Trade of the United States to examine the relative situations and Trade of the said States, to consider how far an uniform system in their commercial Regulations may be necessary to the Common interest, and their permanent harmony, and to Report to the several States such an act relative to this great object, as when unanimously ratified by them, will enable the United States in Congress assembled, to provide for the same—and also to meet Commissioners of Virginia and Maryland, to communicate reciprocally the Regulations of Commerce, and duties proposed by each State and within their respective Powers, and that the Supreme Executive Council be authorized and requested to make the said appointment of Commissioners and to give them such Instructions from time to time as they shall think expedient.

Extract from the minutes,

JACOB SHALLUS st. clerk.

In Council, Philadelphia April 11, 1786.

Council proceeded to the Election of five commissioners under the Resolution of Assembly of the 21st of May last, when it appeared that the following Gentlemen were chosen, viz. Robert Morris, George Clymer, John Armstrong Jun., Thomas Fitzsimons & Tench Coxe, Esquires.

Extract from the minutes,

JAMES TRIMBLE,

for JOHN ARMSTRONG, jun., Secy.

[Letter Book, Vol., III. p. 194.]

No. 29.

REPORT OF COMMISSIONERS ON BOUNDARY BETWEEN PENNSYLVANIA AND NEW YORK, 1786.

We the subscribers being appointed Commissioners agreeably to Laws severally Enacted by the Legislatures of the commonwealth of Pennsylvania, and the State of New York, for the purpose of running and marking a Boundary Line between the said states, to begin at the River Delaware in forty two Degrees North Latitude, and to continue in the same Parallel of forty two Degrees, to the western Extremity of the sd. states,—Have in conformity to our appointment finished ninety miles of the sd. Boundary, extending from the River Delaware to the Western side of the South Branch of the Tioga River, and marked the same with substantial mile stones. Witness our Hands and seals, this twelfth day of October, in the year one thousand seven hundred and Eighty six, 1786.

ANDW. ELLICOTT, [L. S.] For Pennsylvania.

JAMES CLINTON, [L. S.]
SIMEON DE WITT, [L. S.] } For New York.

Indorsed,

October 12, 1786.

Report of Andrew Ellicot (for Penna.) and Simeon De Witt, and James Clinton (for New York,) Commrs. to run and mark a Boundary Line between Pennsylvania and New York, to the Supreme Executive Council of Penna.†

* See Col. Vol., XV. p., 5

† See accompanying map, copied from apparently original Report, in Surveyor Generals office, Harrisburgh.

No. 30.

GOVERNOR RANDOLPH, OF VIRGINIA, TO PRES. DICKINSON, 1786.

To his Excellency the President of Pennsylvania.

Richmond, December 1, 1786.

Sir,

I feel a peculiar satisfaction in forwarding to your Excellency the inclosed act of our Legislature. As it breaths a spirit truly fœderal and contains an effort to support our General Government, which is now reduced to the most awful crisis, permit me to solicit your Excellency's co-operation at this trying moment.

I have the Honor to be,
your Excellency's,
most obedient Humble servant,
EDMUND RANDOLPH.

No. 31.

AN ACT RESPECTING COMMERCE, 1786.

AN ACT,

For appointing Deputies from this Commonwealth to a convention proposed to be held in the City of Philadelphia in May next, for the purpose of revising the Federal constitution.

Whereas, the Commissioners who assembled at Annapolis on the fourteenth of September last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the Commercial Interest of the United States, have represented the necessity of extending the revision of the fœderal system to all its defects, and have recommended that deputies for that purpose be appointed by the several Legislatures to meet in Convention in the City of Philadelphia, on the second day of May next, a provision which seems preferable to a discussion of the subject in Congress, where it might be too much interrupted by the ordinary business before them, and where it would besides be deprived of the valuable Councils of Sundry individuals, who are disqualified by the constitution or laws of particular States, or restrained by peculiar circumstances from a seat in that Assembly.

And whereas, the General Assembly of this commonwealth, taking into view the actual situation of the Confederacy, as well as reflecting on the alarming representations made from time to time by the United States in Congress, particularly in their act of the fifteenth day of February last can no longer doubt that the crisis is arrived at which the good people of America, are to decide the

solemn question, whether they will by wise and magnanimous efforts reap the just fruits of that independence which they have so gloriously acquired, and of that union which they have cemented with so much of their common blood, or whether by giving way to unmanly jealousies, and prejudices, or to partial and transitory interests, they will renounce the auspicious blessings prepared for them by the Revolution, and furnish to its enemies an eventual triumph over those by whose virtue and valour it has been accomplished.

And whereas, the same noble and extended policy, and the same fraternal and affectionate sentiments which originally determined the citizens of this Commonwealth to unite with their Brethren of the other States in establishing fœderal Government, cannot but be felt with equal force now as the motives to lay aside every inferior consideration, and to concur in such further concessions and provisions as may be necessary to secure the great objects for which that Government was instituted, and to render the United States as happy in Peace as they have been glorious in war.

Be it therefore enacted by the General Assembly of the Commonwealth of Virginia, that seven Commissioners be appointed by joint ballot of both House of Assembly, who or any three of them are hereby authorized as deputies from this Commonwealth to meet such deputies as may be appointed and authorized by other states to assemble in Convention at Philadelphia as above recommended, and to join with them in devising and discussing all such alterations and further provisions, as may be necessary to render the fœderal constitution adequate to the exigencies of the Union, and in reporting such an act for that purpose to the United States in Congress, as when agreed to by them and duly confirmed by the several states will effectually provide for the same.

And be it further enacted, That in case of death of any of the said deputies, or on the declining their appointment, the Executive are hereby authorized to supply such vacancies, and the Governor is requested to transmit forthwith a Copy of this act to the United States in Congress and to the Executives in each of the states in the Union.

November 23, 1786, passed the Senate,

H. BROOKE, C. S.

November 9, 1786, read the third time and passed the House of Delegates,

JOHN BECKLEY, C. H. D.

[Letter Book, Vol., I. p., 410–413.]

No. 32.

GOV. RANDOLPH, OF VIRGINIA, TO PRES. FRANKLIN, 1786.

To His Excellency the President of Pennsylvania.

Richmond, December 1, 1786.

Sir,

I do myself the honor of transmitting to your Excellency the inclosed resolution of the General Assembly of Virginia. Five Commissioners have been already appointed as members of the Commercial Conference therein proposed, and will certainly inform your Excellency when and where it is to be holden. In the mean time, I have only to wish the presence of Pennsylvania by her deputies at this intended meeting.

I have the Honor Sir,

to be with the greatest esteem

and respect your Excellency's

most obedient Servant,

EDMUND RANDOLPH.

[Letter Book, Vol. I., p. 410.]

No. 33.

VIRGINIA.

In the House of Delegates,

Wednesday, the 8th of November, 1786.

Whereas on the 13th of January, 1786, a Resolution was entered into by the General Assembly of this State in conformity to a Resolution entered into by the State of Maryland in the same year and transmitted to this State for its concurrence in the following words.

"Resolved, That it is essential to the Commerce and Revenue of the State of Maryland and this State, that duties on Imports or Exports, if laid, should be the same in both States, and that it is proper for the Legislatures if the said States at their annual meeting in the autumn to appoint Commissioners to meet and communicate the regulations of Commerce and duties proposed by each State and to confer on such subjects as may concern the commercial Interests of both States, and both States should be equal, not less than three nor more than five from each State and they should annually meet in the third week of September if required by the Legislature of either State or the Commissioners thereof, at such place as they should appoint."

Resolved therefore that five Commissioners be appointed by joir ballot of both houses who or any thereof whom shall be authorize to meet Commissioners from the state of Maryland at the time an for the purposes above mentioned, and at such place as may b agreed on.

And whereas no meeting can take place under the foregoing Res lutions passed by the two states prior to the third week in Septembo next, and it is much to be desired that the object thereof may b provided for in the mean time.

Resolved that the Commissioners so to be appointed shall withou delay endeavor to effect a meeting with Commissioners from Mar land, and to concert and report the proper Regulations to the tw Legislatures during their existing sessions.

And whereas additional advantage would accrue from the concu rence of the state of Pennsylvania in the proposed conferences an regulations.

Resolved, That a Copy of these Resolutions be immediate transmitted by the Executive to the Executive of that State, as w as the State of Maryland and that the Commissioners from this Sta when appointed communicate to the said State of Pennsylvania t time and place of the proposed meeting as an invitation to t Legislature of the said state to concur therein.

Provided, That the foregoing Resolutions shall be forthwi transmitted to the delegates from this State in Congrsss to be them laid before Congress for the purpose of obtaining the concu rence of that Honorable Body thereto.

1786. Nov'r 22d, agreed to by the Senate,

H. BROOKE, C. S.

Teste John Beckley, Clk. H. D.

[Letter Book, Vol. I., page 411.]

No. 34.

Report of Comm'rs on Boundary between Pennsylvan and New York, 1787.

We the subscribers being commissioned agreeably to La severally enacted by the Commonwealth of Pennsylvania and state of New York for the purpose of running and marking Boundary Line between the said States in the parallel of Forty-t Degrees of North Latitude beginning at the River Delaware a extending to a meridian Line drawn from the South West corner the Commonwealth of Pennsylvania

Have in conformity to our appointments extended the said Line from the ninetieth Mile Stone to Lake Erie, and marked the same in a lasting and permanent manner by milestones or posts surrounded by mounds of earth where stones could not be procured. The Stones at the several points where the Latitude was determined are large and well marked, and contain on the south side Pennsylvania Latitude 42° N. 1787, also the variation of the magnetic needle. On the North side New York and their several distances from the River Delaware.

Witness our Hands and Seals this Twenty ninth day of October, One Thousand seven Hundred and Eighty seven.*

AND'W ELLICOT, [L. S.] } Commissioners from
ANDREW PORTER, [L. S.] } Pennsylvania.

ABRA'M HARDENBERG, [L. S.] } Commissioners from
WILLIAM MORRIS, [L. S.] } New York.

Indorsed,

"Rec'd Nov. 29, 1787. Report from the Commissioners of Pennsylvania and New York of their having compleated the Boundary between the two States."

The foregoing is copied from the original—on parchment (now in the Surveyor Generals office at Harrisburgh,)

Feb. 19, 1855, by S. H.

No. 35.

VICE PRESIDENT MUHLENBERG TO PHILADELPHIA AGRICULTURAL SOCIETY—HESSIAN FLY, 1788.

In Council,

Philadelphia, September 1st, 1788.

Sir,

A Proclamation† was issued on the 25th of June last by his Britannic Majesty, prohibiting the Entry of wheat, the growth of any of the Territories of the United States, into any of the Ports of Great Britain, and as there is reason to believe that the said Proclamation has been occasioned by some misinformation respecting the Insect called the Hessian Fly.

Council therefore request your useful Society to investigate and report to them as soon as convenient the Nature of the Hessian Fly,

* See Smith's Laws Vol. II., also the accompanying Map.
† See Col. Rec., Vol. XV., pp. 523, 526, and 384, 385 of this.

particularly as to the manner of its being propagated, and the effects of it on the crops of wheat; and to ascertain with all possible precision, whether the loss of the crops is not occasioned by the destruction of the Plant, and whether the small Quantity of wheat produced from a Field infested with the Fly, is good Grain, or otherwise. Likewise the most successful method that has hitherto been discovered for preventing the effects of this insect.

I am, Sir, with great respect,
your very humble servant,
PETER MUHLENBERG, V. P.

Directed,
Samuel Powell, Esqr., President of the Agricultural Society.

No. 36.

REPORT OF COUNCIL TO THE GENERAL ASSEMBLY—ERIE, 1788.*

Report of the Supreme Executive Council to the General Assembly of the State of Pennsylvania.

That they have negociated a Purchase with the Congress of the United States, for *the Tract of land contained in the interval betwixt a Meridian Line run between lake Erie and the State of Pennsylvania, and the Boundaries of the States of New York and Massachusetts*, at the rate of three fourths of a Dollar ℔ acre, payable in Gold or Silver, or in public securities of the United States, bearing Interest, when the quantity is ascertained by actual survey in the manner prescribed by Resolution of Congress of the 7th of June last. As by the Instructions to our Delegates in Congress of Their Proposals to the Board of Treasury of the 7th of July last, and a final acceptance of the said Terms by the said Board on the 28th of August last, which accompany this report, will fully appear.†

Council have essayed an estimate of the other Expences which in their opinion may be necessary for compleating the aforesaid Purchase, amounting to , which they herewith transmit, But certainty cannot be attained in this Business, as the expense will depend in some measure on the Quantity of land found on actual survey, and may be affected by many other contingent Circumstances.

* There is neither date nor signature to the foregoing—it evidently refers to the preceding papers—is alluded to in the messages of the President, in Col. Rec., Vol. XV., p. 528, 530, 532, Sept. 1788. (From original.)

† See this Vol., pp. 251, 252, 308–313.

It remains for the General Assembly to make the necessary appropriation of public securities to discharge the Purchase to the United States, and to assign the Funds from whence the other Expences may be drawn.

Assembly to President Mifflin, 1789.

Sir,

I have carefully examined the Minutes of the late and present Houses of Assembly, and cannot find any order on that part of the message from Council relative to Gen'l St. Clair's letter of July 24th,* and the Act of Congress of August 12th, last, other than their being referred September 8th, last, to Mr. Wynkoop, Mr. Kennedy, & Mr. Findley. No report was made by that committee, nor has the subject been taken up by the present House.

I have the honor to be

your Excell'ys

most obedient humble servant,

J. SHALLUS.

Jan'y 6th, 1789.

Directed,

His Excellency, Thomas Mifflin, Esqr.

Agreement between the Six Nations and Commissioners for Lands on Lake Erie, &c., 1789.

Be it remembered by all whom it may concern:

That on the ninth day of January, in the year of our Lord, one thousand seven hundred and eighty nine, in open and public Council, We the undersigned Chiefs, Warriors, and others, Representing the following named Tribes of the Six Nations, to wit—The Ondwagas, or Senecas, Cayugas, Tuscaroras, Onandagas, and Oneidas; for and in behalf of ourselves, our tribes, our and their Heirs and Successors, on the one part—and Richard Butler and John Gibson, Esquires, Commissioners for *and in behalf* of the State of Pennsylvania, (Onas) on the other part, did make and conclude upon the following articles, viz.:

* See Col. Rec., Vol. XV., p. 518. Also page 534 of this

ARTICLE 1st.

That as soon as these Articles are signed, interchangably by the aforesaid Chiefs and Commissioners, the said Chiefs will execute a Deed of Conveyance to the State of Pennsylvania for a tract of Country as hereafter shall be described.

ARTICLE 2nd.

The signing Chiefs do acknowledge the Right of the soil and jurisdiction to, in, and over that tract of Country bounded on the South by the North line of the State of Pennsylvania, on the East by the West boundary of the State of New York, agreeable to the cession of that State and the State of Massachusets to the United States, and on the North by the Margin of Lake Erie, including Presque Isle and all the Bays and harbours along the margin of said Lake Erie, from the West boundary of Pennsylvania to where the West boundary of the State of New York may cross or intersect the South margin of the said lake Erie. To be vested in the said State of Pennsylvania agreeable to an Act of Congress dated the sixth day of June last, 1788.

ARTICLE 3rd.

The said Chiefs do agree that the said State of Pennsylvania shall and may at any time they may think proper, survey, dispose of and settle, all that part of the aforesaid Country lying and being West of a line running along the middle of the Conawago River from its confluence with the Allegany River into the Chadochque Lake, thence along the middle of the said lake to the North end of the same, thence a meridian line from the North end of the said lake to the margin or shore of Lake Erie.

ARTICLE 4th.

The said Chiefs do agree that the Navigation or Water communication of the said Conowago River and the Chadochque lake shall be free to the citizens of the State of Pennsylvania in common with themselves, but that neither party shall build or erect Dams over or across the Conowago River so as to obstruct the passage of Boats or Cannoes up and down the same to the Allegany River.

ARTICLE 5th.

That as several Villages belonging to the signing Chiefs and their people are now living on the said Conowago creek and in other parts of the country supposed to be within the tract of country West of the West line of the State of New York and East of the line through the Waters as described in the third Article—And as they have no

country to remove to from where they now live, the said chiefs do reserve for their own and their people's residence, hunting and fishing, all that part of the tract of Country described in the second Article, passing from the Allegany River along the middle of the Conowago Creek, the Chadochque Lake and a meridian line from the North end of said lake to Lake Erie.

ARTICLE 6th.

The said Chiefs do Engage for and in behalf of themselves and their tribes, to give protection to the citizens of the said State of Pennsylvania, and others who may come to trade or transact business under proper authority among them, and to live peaceably with all the Citizens of the United States.

ARTICLE 7th.

The said Richard Butler and John Gibson, Esquires, Commissioners for and in behalf of the State of Pennsylvania, *do agree* to the aforesaid articles in their true intent and meaning, and they do further engage on the faith of the State of Pennsylvania, that the afforesaid Chiefs and the people of their tribes, shall have full and peaceable liberty to hunt and fish within any part of the Country first above described, they demeaning themselves peaceably towards the inhabitants. But the said Chiefs or their successors, shall not at any time hereafter, directly or indirectly, lease, rent, or make sale of any part or parcel of the tract here Reserved for their Use and Residence, to any other State, person or persons.

In Testimony of the above Articles being duly, openly and fairly agreed and concluded upon, the Chiefs and Commissioners afforesaid have interchangably set their hands and affixed their seals the day and year first above written.

In presence of

Ar St. CLAIR,
JOS. HARMAR,
Lt. Col. Com. 1st U. S. Reg., & Brig. General by Brevet.
DAVID ZEIGLER,
Capt. 1st United States Regt.
WINTHROP SARGENT,
JOHN TRACY,
N. McDOWELL, En'r.
JACOB MELCHER,
Cadet, 1st U. S. Regt.
JOSEPH NICHOLSON.

Richard Butler. [SEAL.]
Jno. Gibson. [SEAL.]
Cachunwasse, (Seneca.) [SEAL.]
Or Twenty Canoes.
Kichonquash, (Turascaro Chief.)
Or Tearing Asunder. [SEAL.]
Cageahgea, (Seneca.) [SEAL.]
Or Dogs about the Fire.
Sawedowah, (Seneca.) [SEAL.]
Or The Blast.

KIONDASHOWA, (Seneca.) (SEAL.]
Or The Swimming Fish.

GYANTWACHIA. [SEAL]
Or the Cornplanter.

GYASHOTA, [SEAL.]
or the Big Cross.

KANASSE, [SEAL.]
or the New Arrow.

ONCAHYE, (Onandago Chief.) [SEAL.]
or the Dancing Feather.

SOAHAES, (Cayuga Chief.) [SEAL.]
or Falling Mountain.

OTACHSAKA, (Cayuga.) [SEAL.]
or Broken Tomahawk.

TEKAHIESS, (Oneida.) [SEAL.]
or the Long Tree.

ONESECHTEE, (Seneca.) [SEAL.]
or the Leaded Man.

KIATULAHOH, (Munsey Chief.) [SEAL.]
or the Snake.

AQUEIA, (Munsey.) [SEAL.]
or Bandy Legs.

KEANDOCHGOWA, (Seneca.) [SEAL]
or Big Tree.

OWENEWAH, (Seneca.) [SEAL.]
or Thrown in the Water.

ACHIOUT, [SEAL.]
or the Half Town.

ANACHKOOT, [SEAL.]
or the Wasp.

CHISHEKOA, [SEAL.]
or the Wood Bug.

SESSEWA, [SEAL.]
or the Big Bale of a Kettle.

SCIAWHOWA, [SEAL.]
or the Council.

TEWANIAS, [SEAL.]
or the Broken Twig.

SONACHSHOWA, [SEAL]
or the Full Moon.

N. B. The two Munseys signed as being residents on the land, were not owners.

R. BUTLER.

Be it remembered, that on the thirtieth day of May, in the year of our Lord, one thousand seven hundred and ninety two, in the sixteenth year of the Independence of the United States of America, came personally, Joseph Nicholson, one of the witnesses within named, before me, James Biddle, Esq., President of the Court of Common Pleas in the District consisting of the City & County of Philadelphia, and County of Bucks, Montgomery and Delaware, and made oath on the holy Evangelists of Almighty God, that he was present and saw the twenty four Grantors and two Commissioners in the within deed named, make the signatures or marks to the said deed, and seal and deliver the same as their act and deed voluntarily and freely, and that said deponent subscribed himself as a witness to the execution thereof, and that he also saw the other seven witnesses subscribe their names within written respectively, to the same deed, and that the name Joseph Nicholson thereto subscribed is of his own proper hand writing. In testimony whereof I have hereunto set my hand and seal at Philadelphia, the same day and year aforesaid.

JOSEPH NICHOLSON,
JAMES BIDDLE.* [L.S.]

Inrolled in the Rolls office for the State of Pennsylvania, in Com mission Book No. 1, page 309.

Witness my hand and seal of office, the 19th day of June, 1794.

MATH'W IRWIN,
M. R.

AGREEMENT—ELIJAH DYER, 1789.

To agree to the admission of the copies of papers produced by Col. Dyer, endorsed by Mr. Wilson with his name; upon condition of Col. Dyer, producing the Copy of the petition preferred by him

* From the original at Harrisburgh.

as agent for the Susquehannah Company to the Crown, be used on the Trial.

These Copies to be subject to the same obligations only as would lie against the originals if produced.

The Connecticut agent to give an order in Favour of Mr. Osborne for procuring certified Copies of any of the Record or other Documents in the State of Connecticut; and that certified copies from the State of New York or Pennsylvania or other State of any publick Record be admitted to be read.

Admitted, provided it be mutual,

ELIJAH DYER.*

Pres. Mifflin to Gen. Knox, 1789.

In Council,
Philadelphia, January 9th, 1789.

Sir,

Governor St. Clair's letter of July 4th, and the Act of Congress of August the 12th, 1788, were laid before the General Assembly by Council on the sixth of September last.

It appears by the Journals of the Legislature that on the eight of September they were referred to a Committee who made no report to the last assembly.

The Assembly of the present year, have not taken up the business; but Council will lay before them at their next session in the beginning of February, your letter of the twenty-ninth of December.

I have the honor to be,
Sir, with great Respect,
your most obdt. humb. Servt.,

THOMAS MIFFLIN †

Directed,

Honble Major General Knox, Secretary at War.

Report of Committee on Claim of Wm. Hamilton, 1789.

The Committee appointed to Examine the account of William Hamilton, Esq'r, for Ground rent due by the State of Pennsylvania for four Lots in the B. of Lancaster, number, viz.:—534, 535, 536, 537; whereon the Barracks are erected, which said lots were vested in this Commonwealth by an Act of Assembly passed th

* The foregoing has no date—it was probably submitted at the trial at Trenton; See Vol. X., though found with the preceding paper.

† See Col. Rec., Vol. XV., p. 641. See page 529 of this.

28th Feb., 1780. And for Ground rent of two other Lots in the said Borough, number, viz. :—No. 654, 656, whereon the Powder Magezine is erected.

Report that they have considered the same together with the C. G. remarks thereon. That there appears are overcharge of one year in the said accounts for the first mentioned 4 lots. And that a Deduction of 20s. Sterling. Penn. ought to be made in the two other Lots; your committee having regulated themselves in this deduction by a printed deed partly filled up, but not executed for the said two Lots, reserving 20s. sterling ℔ ann. generally. But are nevertheless at a loss to determine whether it is intended to reserve 20s. ℔ ann., severally on sd. Lots, or whether it was intended to comprize both Lots under that year by reservation.

Under these circumstances your Committee are of opinion that Mr. Hammilton's charge after deducting 20s. ℔ ann. from the amt of those two lots, a balance will still be due & payable to him of £110 1 3. They therefore submit the following resolution.

Resolved, that Council will grant a warrant on the Treasurer for the sum of £110 1 3, payable to the said William Hammilton, Esq., agreably to the Comptroller Generals Report of the ground rents due to him on six Lots whereon the Barracks & Powder Magazine in the Borough of Lancaster are erected.*

Indorsed,

Mr. Hamilton Examine Act of Ass., Report Read 1st time, 1st Jan., 1789.

Ephraim Douglass to Sec'y Biddle, 1789.

Union Town, 17th Jan'y, 1789.

Sir,

Understanding from the bearer that a part of his business was to collect the returns of elections in the several counties, and he being denied by circumstances the opportunity of receiving an answer from the sheriff, whose duty it is to make such return, I take the liberty, for the satisfaction of Council to inform you that no election has been held in this County for the Election of Electors. The number of persons who attended on that day was not sufficient to have filled the necessary offices of such an election.

I have the honor to be,
with high respect, Sir,
your most obedient servant,
EPHRAIM DOUGLASS.

Directed,

Charles Biddle, Esquire, Secretary of Council.

* See Col. Rec., Vol. XV., p. 614, 618, 645.

Lewis Nicola to Secretary Biddle, 1789.

Work house, 20 Jany. 1789.

Sir,

Some of my friends have informed me that I have been much censured on account of the dirtiness of the work house when visited by his Excellency and others, an anxiety to avoid blame where I apprehend I do not justly merit it, will, I hope, apologise for my troubling you, and requesting you will with my respects, lay the following state of the case before the President and Honble. Council.

Since I have been in my present office, the rooms, those for sleeping as well as the common working one, have been regularly swept every morning as soon as unlocked, but the propensity of the prisoners, the women particularly, to dirt is so great they generally have been littered & dirty in an hour or two after, to prevent which I have been under the necessity of keeping the former locked up 'till bed time, as to the latter, from the business to which it is intended' keeping it clean for any time, is impossible, generally from fifteen to twenty women are constantly confined there, & employed in picking, carding, & spinning wool, hackling and spinning flax, & occasionally in picking oakum, washing & cooking. There is an absolute necessity of keeping their back door locked, as from the weakness of the arch over the common sewer under the yard the women twice broke through it & some escaped, a third attempt was likewise made but frustrated, & as the breach was nearly completed & not yet repaired, it is requisite for one person at least to watch them when the door is opened, which is done three times a day for the purpose of throwing out their water & taking in clean, nor is the above the only necessity for keeping the back door shut, enumerating them would probably trespass too much on the leasure of the Council, but if further information is requisite I shall have the honor of waiting on them when convenient.

I hope you will excuse this trouble, & permit me to assure you that I am, Sir

Your most obed. Servt.,

LEWIS NICOLA.

Directed,

Charles Biddle Esq. Secretary to the Honbl. Executive Council.

Vice President Ross to Delegates in Congress—Lake Erie, 1789.

To the Honorable the Delegates in Pennsylvania.

Gentlemen,

In Council, Philadelphia, Jan. 23, 1789.

Andrew Ellicott Esquire who is appointed by the Geographer General of the United States to run the line between the western boundary of the State of New York and the late purchase made by this State of Congress of a Tract of Land lying on the south of Lake Erie, has applied to the Executive Council of this State, stating some difficulties which he apprehends may probably attend the execution of that Business.

Council have thought it expedient previous to their taking any measures to expedite the completion of this work, to write to the delegates to know what steps or if any have been taken by Congress to obtain leave from the Governor of Canada or the Commandant at for the Geographer General, or any person under his appointment to go within the British settlements or lines to make the necessary observations to enable him to begin and carry into execution the laying off the Tract of Country aforesaid.

I have the honor Gentlemen to be,

your obed. & very humble Servt.

GEORGE ROSS, V. P.*

[Letter Book, Vol. II., p. 231.]

Petition of Stephen Jenkins to Council—Wyoming, 1789

To his Excellency the President and the Honorable the Supreme Executive Council, of the Commonwealth of Pennsylvania.

The Petition of Steven Jenkins, a distressed languishing Prisoner in the Jaol of the County of Luzerne, most humbly showeth,

That your Petitioner since the month of November last, has been confined within the walls of this cold and uncomfortable Prison, conformably to a decree made and passed by the Court of Oyer and Terminer and General Jaol delivery, in the month and County aforesaid on conviction of a Riot, assault and Battery, and false imprisonment of the Person of Timothy Pickering, Esquire.

Soon after which sentence your Petitioner, (with others under like circumstances) presented his prayer to your consideration desiring the interposition of Council in remitting all or such part of your Petitioner's sentence as to your honorable Board should seem proper, But you Petitioner has found no relief.—He is still confined

* He was Elected Vice President in room of D. Redick, Nov. 5, 1788.

and wasting a constitution which he wishes to preserve for the use and support of a large and helpless family.

These with other motives excite your Petitioner, however unsuccessful he was in his former Petition to address your honorable Board again for relief in the premises.

Your Petitioner as he stated in his former Petition, was so early apprehended in the last season on suspicion of aiding the Riot, that he had no time in which he could make any provision for his familys subsistance, either for this winter or the ensuing summer, in consequence of which they are in uncomfortable circumstances.

Your Petitioner would further suggest that should he be obliged to languish out the six months in confinement, in obedience to the sentence of Court, that the spring season will be so far elapsed as to preclude the possibility of his making any arrangements that might be conducive to his own or his familys convenience.

Your Petitioner would beg leave further to observe, that before the date of the proclamation offering a reward to those who should secure any Person in the Riot concerned—he was in the custody of the authority and was assured by the same, on his pledging his honor that he would come any time at their desire, that he never should be harrassed with men under arms, or be brought from his family by the force of the same—Consequently he remained at home on his parole, until a party by the authority of the proclamation, brought him down and confined him in the Jaol aforesaid. Upon Councils conviction of the truth of this, your Petitioner thinks those who make pretensions to the reward are not entitled to it, nor are Council obliged to give it them. This being tried, your Petitioner most earnestly implores the mercy of Council in remitting the fine as also the confinement. Thoroughly convinced that the end of punishments is to reclaim, and that it is not the wishes of those in power, to continue severity when this *end* is answered—your Petitioner with humble confidence flatters himself after taking into consideration his truly deplorable condition and his sincere penitence of the crime for which he stands committed that Council will rigidly extend relief to him in the premises.

And as in duty bound,
your Petitioner will ever pray,

STEPHEN JENKINS.

Wilksbarre Jaol, Jan. 24th, 1789.

* See Col. Rec,, Vol, XVI., p. 4,

Tench Coxe to Pres. Mifflin—Erie, 1789.

Sir,

I had the honor of writing you a very few lines shortly after my arrival. Mr. Gorham having arr'd since, we have five states, and every reason to expect there will be seven in a week or ten days.

The State of New York have not yet appointed Senators; nor does it appear probable they will appoint this Session. The day of electing Representatives, I am assured is fixed on the 2d Tuesday in March; as the Government is appointed to meet on the 4th, they probably will be some days unrepresented in the house rep's. This may be favourable to the removal of Congress.

In a conversation last Night with Mr. Gorham, I find he and Mr. Philips, who purchased of Massachusetts, all the lands between the line of pre-emption and the western bounds of New York, are of opinion that the words of the New York cession to Congress do not operate a transfer of the lands east of Erie to Congress, and of course that the jurisdiction remains in New York and that the property is vested in them under the grant of New York to Massachusetts—'Tis certain that the grant or cession of New York discovers a considerable deficiency of Geographical information, which you will easily see, Sir, by recurring to it. The substance is that New York is to continue her South line along our North line to the end of the latter and so far *beyond* it as to throw a particular part of the Western Waters (the western Bend of Lake Ontario,) 20 miles east of a line to be run from the extremity of the South line aforesaid to the 45th degree of N. Latitude. It is now ascertained, that the 20 miles east of the place in contemplation will be contained within a line that will fall far on this side Erie—The question will be, what will be the Consequence of this geographical Error? My opinion on a slight examination is, that it will leave our purchase good. Mr. Gorham seems desirous, if the law proves theirs to sell to Pennsylvania, but it is necessary that we remember their doctrine deprives us of the Jurisdiction, for New York most probably will not part with it. I think it proper to add further that Mr. Gorham raised a question, whether the grant of the Jurisdiction to Penns'a by Congress was valid. These loose hints, Sir, upon so important a point are not fit in form, at least, for the public Eye, but it is necessary, that you, and the other superior characters in our government should be apprized of the difficulty which is attempted to be raised.

The purchase made of the Indians by Mr. Gorham & Co., (part of their whole purchase of the state) begins at our 82d mile stone, and runs along our N. line to the 124th, and then runs due N. to the great Fork of the Genesee river. The tract of country is about 42 miles E. & W., & about 70 miles N. & S., computed to contain 2 millions of acres, divided into Townships of 6 miles Squares about

one hundred in number. Of these Townships 35 are sold lying on the N. E. quarter principally, the remainder being on the Genesee River. Those on our line are yet unsold. It appears clear to me that the most accessible Market for this part of their purchase must be down the Tioga, which renders the settlement of that country a beneficial thing to us in regard to commerce, as it evidently is also in regard to defence from the Indians. They sell in specie from 14d. to 18d. lawful ℔ acre, with the Townships only run out, so that the expence of subdividing remains.

The accounts of the situation of the King of Great Britain renders his death, at this moment, highly probable, and his restoration to any vigor of mind or body (if he should live,) almost impossible. A dropsical disease, accompanyed with symptoms of excessive taint in his blood, and with disorder in his mind, has invaded his whole muscular system. The derangement of the funds of England, whose public credit has been most ingeniously and wonderfully extended, as her debts became alarmingly great, appears to me a very probable Consequence of a change of Kings with its usual consequences a change of Ministers, principles and systems. By letters of the 21st of Novem., from Bristol, the British King was not dead at that time.

I have the honor of being,
very respectfully, your
Excellency's most obedt.
& most humble Servant.,
TENCH COXE.*

New York, 26th Jan'y, 1789.

Dr. Rush to Pres. Mifflin, 1789.

Gentlemen,

Having received lately in small subscriptions in Pennsylvania certificates for Dickinson College, I am induced by the experience of past favors to that institution from your hon'ble body, to request an order from you, upon the treasurer of the State for the amount of half an years interest due upon them in October last. Your compliance with this request will be highly acceptable to the friends of the College, & confer fresh obligations upon, Gentlemen,

your most obedient servant,
BENJ'N RUSH.

The interest now requested will be under £15 0 0.

January 28, 1789.

Directed,

His Excellency the President, & Council of Pennsylvania.

* See pages 309, 310.
† See Col. Rec., Vol. XV., p. 654.

Timothy Pickering to President Mifflin, 1789.

Wilkesborough, Jan'y 29. 1789.

Sir.

Matthias Hollenbach Esquire has just informed me that application has been made to him about appointing an election of a justice of the peace in this town. I observed to him that Council must previously grant permission for it. I therefore now beg leave to suggest the matter for the consideration of Council. I had some time time since thought of doing it, on account of the difficulty which had repeatedly occurred in assembling justices enough to hold an Orphans' court, but on reading the last law on the subject, passed the 20th of February 1788, it appeared uncertain whether the difficulty would be removed, for this district in which Wilkesborough, the county town, is situate, is upwards of 50 miles long; and the additional justice might be elected 30 miles from it. But on examining the preceding law, passed the 4th of March 1786, I find the *county town* may have *two* justices within it, whenever the president in Council shall think proper to grant the same. And that you may be possessed of the necessary data in the present case, I beg leave to remark—That this county is about 120 miles in length—that 'tis divided only into *three* districts, in each of which there have been two justices of the peace commissioned, altho at this time there are but *four* in the county, two having resigned: That in the first district, (extending from Tagues creek to Nescopeck, a length of 50 miles, or more) the two justices dwell in the township of Wilkesborough, tho' *one* only lives in the *town*, in the *Pennsylvania* sense of the word, that is, in that part of the township which was laid out in lots for the site of a town; in which there is a public square, where the new England people formerly erected their court house & jail, & where the present court house & jail of the county have lately been built:—That in the second district (of like extent with the first) the only justice in commission lives in Kingston township, and about 4 or 5 miles from Wilkesboro', on the opposite side of the river; and that of the two candidates for the vacant office of justice in the district, one lives in Kingston, and about a mile from Wilkesborough, and the other in Plymouth, & about four miles from Wilkesboro':—That the nearest justice in the 3d district lives 50 miles from hence; and the candidates for the vacant office in the district live, one about 80, the other about 84 miles from Wilkesboro'.

From this statement it appears that there may be four justices of the peace, of whose residences the most distant will be but four or five miles from the county town: but as Mr. Hollenbach (the justice residing here in the *town*) has observed, his business frequently obliges him to be absent several weeks together, & sometimes three or four months; and at such times the inability to attend of a single justice suspends the business of the Orphans' court, and of any special Sessions of the peace.

Should it be thought proper to grant another justice for the *county-town*, it will be very necessary for Council to define in the grant, the meaning of the word *county-town*, to prevent disputes among the electors. What in Pennsylvania are called *townships*, in new England are commonly called *towns;* & possessing these ideas, some people in Kingston supposed the present court-house & jail might have been built there, because, by the law, it was to be erected in some convenient place "in or near Wilkesburg," under which name they imagined the entire township was comprehended.—In the law for erecting the county of Luzerne (passed Sept'r 25, 1786) this town is called *Wilkesburg*, & in the first supplement to that law *Wilkesborough:* but I find the name originally given to it by the new England people, and which appears in their records, is *Wilkes Barre*, by which name they designated not only the *town*, but the *township* of five miles square.

I have the honour to be,
very respectfully, sir,
your most obed't servant
TIMOTHY PICKERING.

Directed,

His Excellency Thomas Mifflin Esq., President of Pennsylvania

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TENCH COXE TO PRES. MIFFLIN—ERIE, 1789.

Dear Sir,

In addition to the letter Council will receive from our delegation, I think it may be useful to give you some further information. As there is not yet a Congress, and there is not a certainty of seven states, I would submit the propriety of applying to the Secy. for foreign affairs to write to the Governor of Canada, for permission to enter the British country to make the necessary astronomical observations, & for information whether Mr. Ellicott can have the necessary supplies of provisions, boats &c., from the British posts. Mr. Gorman of Massachusetts, who is among the purchasers of the cession of property by New York, to that State, is of opinion that difficulties might arise if our Geographers name (Capt. Hutchins and Jonson) should appear, as he is considered by them in the light of an officer leaving their service in time of war. It may be well therefore if any thing should prevent Mr. Ellicotts going, to keep this Circumstance in mind. I find among the papers of Congress an application from Capt. Hutchins to them in June last, to take up this Business, which would have been done in a few days, but when our delegates were prepared, there ceased to be a quorum of States. The delay of this matter till the new Government meets, will throw

it into the great Mass of objects that will go before them. I therefore think it will be very proper that we apply to Mr. Jay, if council approve the step without the least delay. From a variety of very important considerations respecting the western Territories of the United States, I would strongly recommend to the Government of Pennsylvania, the intersection of the County of Northumberland by a land & water communcation* leading to lake Erie this year. This improvement is in itself so proper and necessary that it should be done on that ground alone, but the probable course of Events in the South western country, renders it highly advisable to move in it this spring.

I am dear Sir,
your affectionate & respectf. servt.
TENCH COXE.

New York, 1st Feb. 1789.

DELEGATES IN CONGRESS TO PRES. MIFFLIN, 1789.

New York, Febry. 2d, 1789.

Sir,

We have been honoured with a communication from the Executive Council of the 23d Ultimo.†

The same Ideas were suggested by the Geographer last summer, but no measures were adopted by Congress to facilitate the completion of that survey.

We have the honor to be,
with very great regard, your most obedient
and humble servants,
JAMES R. REID,
TENCH COXE.

Directed,
The honourable George Ross, Esquire.

WARDENS TO PRES. MIFFLIN, 1789.

Sir,

Agreeable to your desire, I have the Honor of enclosing you an Estimate of the yearly Expence of two Watchmen, &c., for two Lamps, as also the cost of two lamps, &c. The Board of Wardens will have no objection to appoint the Men and keep the whole under the City regulations; as they pay in Specie the repayment of the Expence will be expected regularly and in the same kind of

* See Col. Rec., Vol. XV., p. 659.
† See page, 537.

money. If the Hours those Men are to continue on their stands should differ from those of the City Watch, they no doubt will expect further compensation.

I have the Honor to be,
your Excellency obed. hble. Servt.
WM. GOVETT.

Directed,
His Excellency, Thomas Mifflin Esq.,
February 3d, 1789.

Estimate of the Expence of two Watchmen, two Lamps &c.,

For the State House,

2 Watchman, 45s ℔ mon is ℔ ann.	£ 54 00	
2 great Coats in 2 years—for 1 year is	2 12	
Cotton wick, ℔ ann.	5	
26 Gallons of Strained oil, for 2 Lamps, ℔ ann.	4 10	
Lighting 2 Lamps ℔ anm.	2 8	Specie.
		£63 15 0
2 Lamps & Ladder,	£3 15	
Posts, &c.,	1 5	
Oil Pot, Flams, Lanthern, &c,	1 00	
2 Watchman's Staves,	5	
2 Watch Houses, Locks, &c.,	9	
		£15 5 0

For the Treasury.

1 Watchman 45s, ℔m.	27	
1 Great Coat 2 yrs. 1 yr.	1 6	
Lighting one Lamp,	1 4	
		29 10 0
		108 10 0

Report of Committee on Securing Public Records, 1789.

The Committee appointed to report a plan for securing the Public Records, agreeable to a late Act of Assembly, offer the following. That a Contract be made with the City Wardens to furnish a sufficient number of Watchmen (and lamps if necessary) to guard the public records & papers in the State House and both wings thereof, with the buildings, and likewise the public Treasury; and that as soon as the above proposed contract is made, and the effect thereof in full operation, the Invalid corps now imbodied for the above purposes be disbanded.

President Mifflin to Governor Thomas Pinckney, of South Carolina, 1789.

In Council,
Philadelphia, February 7th, 1789.

Sir,

Application has been made to the Council of this State on the part of the Magistrates of the County of Dauphin, to obtain from the office of the Ordinary of Charles-Town district, an Original paper, which appears to have been received and acted upon as the Will of a certain Simpson Harris, deceased, by George Abbott Hall, Ordinary of the said district, on the thirteenth of January, Anno Domini, 1753.

Actions are now depending in the said County of Dauphin, in which this Original paper will be material evidence, as Witnesses have appeared to prove that the said paper is a forgery.

Should your Excellency think it proper to order the paper wanted to be transmitted to me by the conveyance of the Post Office, care shall be taken to return it free of charge after the Tryal.

I am, with the greatest respect,
your Excell'ys most obt. & most h'bl servant.

Committee of Ways and Means to President Mifflin, 1789.

Sir,

The General Assembly having referred that part of the Message of Council which respects the payment of pensioners to the Committee on Ways & Means—it appears to me that it would be very useful to that Committee to have a conference with a Committee of Council on that & other subjects respecting the revenue.

If Council shall think proper to appoint a Committee, we will attend them at any time they may think best—tho' if it is on an afternoon or evening it will interfere less with the business of the House. To avoid form & ceremony, I have ventured to propose this method without the Intervention of the House, but I submit to your better Judgement as to the propriety, & am

Respectfully, Sir,
yr. most h'ble servt.,
THOS. FITZSIMMONS,
Chairman Committee W. & M.

Monday, 9th Feby., 1789.

Directed,
His Excellency, Thomas Mifflin, Esq.

* See Col. Rec., Vol. XVI., p. 2.

Description of Powder Magazine, 1789.

Sir,

The Magazine is in length nearly North and South thirty five feet, and in breadth sixteen feet, measur'd on the inside; the height of the Wall seven feet & eight inches. Under the floor the whole length of the building, and I judge about a foot from the ground, there appears a wall on which the Sleepers rest crossways of the building, those sleepers are many of them decay'd, by which means the floor is much settled, yet it is no ways damp.

I am, Sir,

your most obedt. servt.,

JOSEPH STILES, S. G. Mag.

Philada., 11th Feb., 1789.

Directed,

Honorable James Reed, Esqr.

Record of Court against Aaron Kilburn—Wyoming, 1789.

I certify that at a Court of Oyer and Terminer and general Gaol Delivery held at Wilkesborough for the County of Luzerne the fourth day of November last, Aaron Kilbourne late of the said County yeoman, was indicted arraigned and convicted by his own confession of having on the twenty-sixth day of June last, at Wilkesborough in the said County with force and arms to wit: with Guns, Knives, & Tomahawks unlawfully, riotously, and routously asembled with a number of other persons, and gathered themselves together to disturb the peace of the commonwealth, and so being assembled together of having made an assault on Timothy Pickering Esquire, and him the said Timothy Pickering Esquire then and there unlawfully beat and ill treated bound with Cords imprisoned and of his natural liberty deprived, and of having unlawfully, riotously, and routously and against the will of the said Timothy taken and conveyed away the said Timothy into lone and desert places in the said County and him the said Timothy then and there in the said lone and desert places in the said County from the day aforesaid until the fifteenth day of July in the same year, bound with Chains and exposed to the Inclemency of the weather, unlawfully, riotously, & routously kept, imprisoned and detained with a seditious Intention to compel and procure the discharge and Release from Gaol of one John Franklin then lately before arrested & committed to the Gaol of the City and County of Philadelphia for High Treason, and that it was thereupon considered by the said Court that the said Aaron Kilbourne should be imprisoned for the space of one Calender

month in the common Gaol of Luzerne County pay the Costs of the prosecution and in the mean time remain in the Sheriff's Custody.

Witness my Hand, this 12th February, 1789.

EDWARD BURD. Prot. Sup. Ct.*

COMMITTEE OF ASSEMBLY TO PRES. MIFFLIN 1789.

Wednesday, February, 13th, 1789.

Sir,

The General Assembly having appointed Messrs. Wynkoop, Thomas, Brodhead, Piper & myself a Committee to consider the Letter of the Secretary at War & Act of Congress of 12th August transmitted to the House with the message from your hon'ble. board, have instructed them to confer with Council on the subject. Your Excellency will be pleased to inform the Committee at what Time it will be convenient to Council to receive them.

I am Sir,

your Excelly's very obdt. Servt.

W. ROBINSON, JUN.†

His Excellency, Thomas Mifflin Esquire.,

CERTIFICATE OF SUPREME COURT, CASE OF S. MILES, 1789.

I certify by order of the Justices of the Supreme Court of Pennsylvania, to the Honorable the Supreme Executive Council of Pennsylvania, that at a Supreme Court held at Philadelphia, the first day of October last, before the said Justices, an appeal of Samuel Miles Esquire, from the settlement of his account by the Comptroller General and approved of by the Honorable Council, the Record whereof had been transmitted by them to the said Supreme Court for the purpose of giving to the said Samuel Miles Esquire a trial by Jury respecting his said account, was accordingly tried by a Jury of the Country, and a verdict given by them in favor of the said Samuel Miles Esquire, to wit, that the state afsd. was indebted to the said Samuel Miles Esquire, upon a settlement of the said account in Specie, the sum of ninety-three pounds and six pence, and Reasons being filed by the Attorney General for a new trial the consideration thereof was adjourned to January Term last, and that upon argument on the twenty second day of January last, the ver-

* See Col. Rec., Vol. XVI., p. 11.

† See Col. Rec., Vol. XVI., p. 3.

dict aforesaid was confirmed by the said court and that it was considered by the said court that the said Samuel Miles, Esquire, was intitled to receive the said sum of money in specie in the same manner that other specie accounts are settled by the state, together with the further sum of thirteen pounds eight shillings and eight pence the costs of suit.

In witness whereof, I have hereto set my hand and affixed the seal of the said Supreme Court at Philadelphia the twelfth day of February in the year of our Lord MDCCLXXXIX.

EDW. BURD, Pro. Sup. Court.

C. J. Brearly of N. J., to Pres. Mifflin, 1789.

Trenton, 14 February, 1789.

Dear Sir,

I was honored to-day with your Excellency's letter of the 12th instant.

Early in the year 1780, a correspondence commenced between Chief Justice McKean and myself, respecting the removal of persons charged with crimes from one State to another. At that time the necessity of settling a rule respecting the business almost every day occured, and Mr. McKean advised that the State where the offence was committed should be at the trouble and expence of removing the Prisoner. In consequence of which I applied to the Legislature of this State, they being then in session, and obtained a Law for that purpose, which passed the 17th day of March 1780.

By which either of the Justices of the Supreme court is authorized "To issue a warrant under his hand and seal, to the Sheriff "of the County where the offence is alledged to have been com- "mitted, who is required to pay obedience thereto authorizing and "requiring the said Sheriff to make application to the Executive "officer, or to the Chief Justice or other Justice of the Supreme Court "of the state where such persons, guilty of, or charged with, Treason, "Felony or other high Misdemeanor, shall be apprehended or con- "fined, for an endorsment of the said warrants, and therefore to make "demand of, and receive such offender, or supposed offender, of the "Sheriff, Gaoler, or other persons having him in custody, and him "safely to bring before the said Justice," &c. The act also authorizes the Justice, who shall issue the warrant, to draw upon the Treasury for the expences attending the Execution of it. We have always pursued the mode prescribed in this law, in New Jersey, our Governor not being authorized by any law, to send a Sheriff out of the state, or pay him for his trouble. We have considered

* Col. Rec., XVI. p. 4.

that part of the articles of confederation which respects this matter as merely designed to prevent one State from giving protection to offenders from an other, and that the powers therein given to the Executives, are not necessary to be exercised in ordinary cases. However to prevent a failure of justice in this case, application is made to Governor Livingston,* who will doubtless send his Requisition for Allen, who is charged with a most atrocious Forgery.

I have the honor to be,

with perfect esteem, your Excellency's

most obedient humble servant,

DAVID BREARLY.

Directed,

His Excellency, Thomas Mifflin, Esquire, President of Pennsylvania, Philadelphia.

Honored by Abraham Hunt, Esq.,

Col. John Franklin to Pres. Mifflin, 1789.

Philadelphia Goal, Feb. 17th, 1789.

Sir,

I have a long time been anxious to be brought to a tryal or otherwise to be Liberated on Bail—I have lately had a flattering expectation that the latter would take place, I still retain a hope—but how long I shall remain Prisoner, Is yet hid from mine eyes.

I wish to avoid complaints as much as possible and to endure my confinement with all the patience and fortitude that I am master of, but I have to regret that more than sixteen months Imprisonment in a place strange to me, remote from my friends, has reduced me to Indigent circumstances, and renders me wholly unable to make any provision for my own support.

It is now six weeks since I came last to this place from Easton. It has not been in my power to Provide such Clothing and Covering as is necessary to guard against the Inclemency of the season, which makes the article of firewood the more necessary, that as no provision is made for me in that way. I have since last committed to this place been dependant on my fellow prisoners for the Benefit of sitting by their fire, my own Circumstances being such as has rendered me unable to provide myself with fuel,—as the time is uncertain how long I must remain in this Disagreeable situation, I thought proper to state my wants to your Excellency, and to request that some means

* See p. 550. And Col. Rec., Vol. XV., p. 141.

may be adopted that I may be provided with the article of fire wood, the most necessary for a Prisoner in an inclement season.

I am Sir, with Due respect,
you Excellency's most obedient,
and humble servant,
JOHN FRANKLIN.*

Directed,
His Excellency Thomas Mifflin Esq., President in Council.
Indorsed;
Read Feb. 18, 1789.

DEMAND OF GOVERNOR OF NEW JERSEY FOR ANDREW ALLEN, 1789.

Elizabeth Town, 18th Feby. 1789.

Dr. Sir,

It has been represented to me by the Honble. David Brearly Esq., Chief Justice of this State, that he lately sent a warrant into the State of Pennsylvania for one Andrew Allen who is charged with forgery in the County of Middlesex in this State, & is found in the State or Commonwealth of Pennsylvania, & that the Executive of that State will not deliver him without the requisition of the Executive of this State.

I am informed that this is the first instance, among a great number of Cases where the warrant from one of the Justices of the Supreme Court has been deemed to be insufficient; & it is probable that you consider the 4th article of the old Confederation as extending to all Cases. To avoid however all altercations upon the subject, I do hereby agreeably to the Confederation, & in the words of it, "Demand as "Governor & the Executive Power of this State of New Jersey "from the State or Commowealth of Pennsylvania, that the said "Andrew Allen be delivered up, & removed to this State having "Jurisdiction of his offence."

With great Esteem,
I have the honor to be,
your Excellency's most humble,
& very obedient Servant,
WIL. LIVINGSTON.†

Directed,
His Excellency Thomas Mifflin, Esq., President of the Supreme Executive Council of the Commonwealth of Pennsylvania, Philadelphia.

* Col. Rec., Vol. XVI., p. 21
† Col. Rec., Vol. XVI., p. 14.

Relating to Capture of T. Pickering, 1788.

No. 1.

Deposition of Nathan Kingsley, 1788.

On or about the 14th Day of August, 1788, Daniel Shaw & Rubin Wells delivered Nathan Abbot, Junr., and Benjamin Abbot into my Custody as Prisoners, I Being the Nighest Authority.

After some Small Examination I Delivered them into the Hands of Captain Waterman Bolding, to be Delivered to the High Sheriff of the County in order to be Confin'd in the County Goal of this Place, Which was accordingly Done.

NATHAN KINGSLEY, Justice.

Luzerne County, ss. Nov. 7, 1788. Then Nathan Kingsley, Esquire, above named, made oath to the truth of the above certificate by him subscribed, before

MATTHIAS HOLLENBACK,
Justice of the Peace.

No. 2.

These to Certify that Waterman Baldwin has Deliver'd the Bodys of Nathan Abbott, Junr., and Benjn. Abbott into the Gaol of this County. Given under my hand at Wilksbarre, in the County of Luzerne, this Eighteenth day of August, A. D., 1788.

LORD BUTLER, Sheriff.

No. 3.

Luzerne County, ss.

Wilkesboro, Nov. 7, 1788. From the first account I had of the manner in which the two Abbots within named* were delivered up to the Justices at this place, (which happened in my absence,) I was led to think they had voluntarily surrendered themselves to Justice; but on enquiry, and the certificate of N. Kingsley, Esq., within written, I am now satisfied they were taken as therein is set forth.

T. PICKERING,
Clerk of the Peace.

* See record of their conviction, p. 420.

No. 4.

REPORT OF COMMITTEE ON LETTER OF T. PICKERING, 1788.

The Committee to whom was referred the letter of Col. Pickering Bearing Date Novbr. 15th, 1788,* relating to the reward for apprehending the rioters at Wyoming in pursuance of a proclamation of the Eight day of July last, Reports,

Aaron Killborn being taken by a Constable on a Justices Warrant on his Way to give himself up to be tryed for an Offence said to be committed in taking Col. Pickering. The person who apprehended him is entitled to no reward only the fees due him for Executing the Magistrates' Warrant.

Zebulon Cady† taken by Squires Smiths two sons, is justly entitled to the reward named in the Proclamation.

Stephen Jenkins convicted, and the reward to be paid to the party who first took him; he being on parole when the second party apprehended him.‡

Darius Parks† taken on a Justices Warrant on a Common suit at Law, it is the Committees Opinion no reward should be paid for him.

Joseph Killborn† tried and convicted, those who took him Intitled to the reward of 100 Dollars.

Thomas Kinney, the reward for taking him said to be paid.

It appears to your Committee that £112 10 was paid to Captain Ross on the 25th of September last,§ and upon the 26th of Do. there was an order drawn for £75,‖ to be paid by Captn. Ross to the several persons concerned in apprehending the Rioters, which is to be accounted for.

Indorsed,

Read in Council, Nov'r 25th, 1788.

—

These to Certify that James Smith, Christian Ochmig, & William Smith, has Delivered the Body of Zebulon Cady into the Gaol of this County. Given under my hand, at Wilksbarre, in the County of Luzerne, this sixth day of November, A. D., 1788.

LORD BUTLER, Sheriff.

* See page 424. And Col. Rec., Vol. XV., page 546.
† See Record of conviction, p. 419, 421. Also p. 424.
‡ See Col. Rec., Vol. XVI., p. 5.
§ See Col. Rec., Vol. XV., p. 547. And Vol. XVI. p. 11.
‖ Ib., p. 548.

No. 5.

DEPOSITION OF ZEBULON BUTLER, 1789

Zebulon Butler, Esqr, Lieutenant of the County of Luzerne, deposeth and saith, that on or about the twenty ninth of June, last, Stephen Jenkins*, (now a prisoner in this County) was taken by a party of the militia then in pursuit of the rioters, and brought a prisoner to this place on suspicion of his being concerned with them. There being no prison or place of confinement, he was kept under Guard for some days. That he, the deponent, permitted the said Jenkins to go to his family, and return in four days for his Examination, which he punctually did, and Delivered himself to the authority; and he further saith that he was Informed by the civil authority that they had Dismissed the said Jenkins on condition that he would return whenever called for.

ZEB'N BUTLER.

Luzerne County, ss., January 31st, 1789. Personally appeared Zebulon Butler, Esqr., before me, Matthias Hollenback, Justice of peace for said County, and made oath that the above and foregoing Deposition by him subscribed, contains the Truth according to the best of his knowledge.

MATTHIAS HOLLENBACK.*

No. 6.

PETITION OF GIDEON OSTERHOUT, 1789.

To the Honble. Executive Council of Pennsylvania.

The Petition of Gideon Osterhout humbly sheweth, that your honourable board did Issue a proclamation dated July 8th, 1788,† promising sundry rewards for apprehending John Jenkins, John Hyde and others, & in particular promising a reward of one hundred dollars to any person who shall apprehend & secure any person who shall be convicted of aiding and assisting in takeing off Timothy Pickering Esq.,—that your petitioner did pursuant to said proclamation apprehend and secure one Darias Park and also one Aaron Kilburn, who were afterwards at the Supreme Court of October last, holden at Wilksbarre in the County of Luzerne, Convicted of the aforesaid offence of Takeing off said Timothy Pickering.

* See page 424, and Col. Rec., Vol. XVI., p. 5.
† See it Col. Rec., Vol. XV., p. 489.

Your petitioner is ready to verify that said proclamation was in full force at the time, & that he did in fact apprehend & secure said Parks and Kilburn, and each of them did perfectly answer the description & Character of the persons required to be apprehended by said proclamation, and therefore Considers himself Clearly Intitled to the reward of one hundred Dollars for the apprehending Each of them according to the promise of Government, solemnly made and Published in said proclamation, and therefore prays for the order of your Honble. board for the payment of the same—& your petitioner shall ever pray as in Duty bound &c.,

Philadelphia, Feby. 11th, 1789.

GIDEON OSTERHOUT.*

—

This may certiy that Gideon Osterhout, Constable, took and Brought down to the County Goal, Darrias Parks, Concerned in a Riot against the State by order of Obediah Gore, Esq., Judge of the Court, as witness my hand at Wilksbarre, County of Luzerne this 30th day Jany. 1789.

SOLOMON JOHNSTON, C. Goaler.

To whom it may Concern.

No. 7.

REPORT OF COMMITTEE ON REWARDS, 1789.

The Committee to whom was referred the Consideration of the rewards offered by Government for apprehending the late rioters in the County of Luzerne, find that the reward claimed by Gideon Osterhout for apprehending Durias Parks & Aaron Kilburn was refer'd to a former Committee of this board who reported that sd. Kilburn & Parks being taken on a Justices warrant no reward was due to sd. Osterhout, but your Committee find that sd. Parks was taken by a warrant from a Justice on suspicion of his being one of sd. rioters, and that sd. Kilburn was taken on the proclamation of government, and as appears by the record of Court therefore report that [the sum] of two hundred Dollars be paid for apprehending sd. Parks & Kilburn.

The Committee find that the reward offered by government for apprehending Joseph Kilburn & Zebulon Cady was refered to sd. former Committee, who reported that the reward of two hundred

* See page 424.

Dollars be paid for apprehending said Kilburn & Cady the present Committee Concuring with the former, and also that the reward of two hundred Dollars be paid for apprehending Nathan Abbott Jun., & Benjm. Abbott.*

Indorsed,

Read the first time Feby. 18, 1789.

H. KNOX, SECY. AT WAR, TO PRES. MIFFLIN, 1783.

War Office, March 2nd, 1789.

Sir,

In consequence of the enclosed resolves of Congress of the 3rd of October, 1787, and the Act of the legislature of Pennsylvania in pursuance thereto, I have the honor to inform your Excellency that I have directed Captain Ferguson and Captain McCurdy to recruit about eighty non-commissioned officers and privates in Pennsylvania, in order to complete their respective companies on the frontiers.

Captains McCurdy and Ferguson will be furnished by me with money, clothing, and provisions for the recruiting service.

I have the honor to be, with the highest respect, your Excellency's most obedient and very humble Servt.

H. KNOX.

Directed,

His Excellency, The President of the Commonwealth of Pennsylvania.

By the United States in Congress assembled, October 3, 1787.

On a Report of the Secretary at War, to whom was referred his letter of the 26th of September, Congress came to the following resolutions:

Whereas the time for which the greater part of the troops on the frontiers are engaged, will expire in the course of the ensuing year,

Resolved, That the interests of the United States require, that a corps of seven hundred troops should be stationed on the frontiers, to protect the settlers on the public lands from the depredations of the Indians, to facilitate the surveying and selling of the said lands, in order to reduce the public debt, and to prevent all unwarrantable intrusions thereon.

* See pages, 419–422–424. Also Col. Rec., Vol. XV., p. 547–548. Vol. XVI., p. 11.

Resolved, That, in order to save the great expense of transporting new levies to the distant frontiers of the United States, and also to avail the public of the discipline and knowledge of the country acquired by the troops on the frontiers, it is highly expedient to retain as many of them, as shall voluntarily re-engage in the service.

Resolved, That seven hundred non-commissioned officers and privates be raised for the term of three years, unless sooner discharged and that the same be furnished in the proportions herein specified by the States which raised the troops agreeably to the requisitions of Congress of April, 1785.

Connecticut, one hundred and sixty-five.
New-York, one hundred and sixty-five
New-Jersey, one hundred and ten.
Pennsylvania, two hundred and sixty.

That the commissioned officers for the said troops, be furnished by the said States, agreeably to the present proportions.

That the organization of the said troops, together with the two companies of artillery, raised by virtue of the resolves of Congress of the 20th October, 1786, be according to the present establishment, to wit; one regiment of infantry of eight companies, each company four serjeants, four coporals, two musicians, and sixty privates: and one battalion of artillery, of four companies, each company four serjeants, four corporals, two musicians, and sixty privates.

That the secretary at war, make the necessary arrangements from time to time, to replace the men, on the frontiers, whose engagements shall expire.

That the said troops shall be governed by such rules and articles of war, as are, or shall be established by Congress or a Committee of the States.

That the pay and allowances of the said troops, be the same as directed by the resolve of Congress of April 12, 1785.

That the board of treasury make the necessary provisions of cloathing and rations from time to time, at such places as the secretary at war shall judge necessary.

CHAS. THOMSON. Secy.

John Franklin to Pres. Mifflin, 1789.

Philadelphia Goal, March the 5th, 1789.

May it please your Excellency,

In my address the 17th ult.,* I stated to your Excellency that I was unable to provide myself with fuel and Clothing necessary to guard me against the Inclemency of the season, (the Clothing then alluded to was bedding,) I was at the same time in want of Sundry

* See page 549 Col. Rec., Vol. XVI., p. 21.

articles of wearing apparel, but it was at that time, and still is my wish to be patient under all my afflictions, and to avoid as much as possible all complaints. I, at that time had a hope that I should shortly be Liberated from Prison, I still entertain the same hope, but at what period that will take place is to me unknown.

A long Confinement, remote from my friends, and the expence I have been put to together with the loss of my property wasted and Dispoiled at Wyoming since, and in consequence of my Imprisonment has reduced me to Indigent Circumstances, and rendered me wholy unable to make any provision for my own subsistance.

If it had been my fortune to have been imprisoned near my own home, where my friends and Connections were around me, I might have take care of my subsistance, and Probably been provided with the necessaries of Life, without any expence to the Public, but being confined in a place strange to me, and a large proportion of my confinement being severe and retired, has prevented.

I shall not attempt to enumerate the articles of Cloathing that I stand in need of to make my life Comfortable, as well as to appear Decent, but say in a word, I am almost Destitute of Cloathing of all kinds.

I feel myself unhappy that I am unable to provide myself with such things as I stand in need of. But from the Circumstances before related it is not in my power, I have therefore thought fit to state my case to your Excellency (that If Proper) it may be represented to your Honble Council, that such measures may be taken for my relief as to your Excellency and Honble Body shall be thought expedient.

I am may it please your Excellency,
with Due respect, your Excellency's
most obedient and humble servant,
JOHN FRANKLIN.

Directed,
His Excellency, Thomas Mifflin, Esq., President in Council.

PRES. MIFFLIN TO GOVERNOR B. RANDOLPH, OF VIRGINIA, 1789.

To his Excellency Beverly Randolph, Governor of Virginia.
In Council, Philadelphia March 6, 1789.

Sir,

Your Excellency's letter of the second day of December last with the papers which accompanied it were laid before the Legislature of this State on the second day of their present session, and I have the satisfaction of assuring your Excellency "That accustomed to sentiments of the highest respect and deference for the Legislature of

Virginia, it must ever be painful to the House, when obliged to dissent from the opinion of that assembly upon any point of Common concern to the two States as members of the Union, and particularly on a measure of such importance as the one now proposed, the calling of a convention of the States for amending the fœderal Constitution, the necessity of which they are not able to discern, tho' it is so apparent to, and so earnestly insisted on by the Legislature,—That tho'it is possible this Constitution may not be a system, exempt in all its parts from error, yet the House do not perceive it wanting in any of those fundamental principles which are calculated to ensure the Liberties of their Country. As it is, they conceive the happiness of America, and the Harmony of the Union to depend altogether on suffering it to proceed undisturbed in its operation by premature alterations or amendments, which however plausible they may be in the Theory or necessary perhaps to the idea of a perfect form of Government Experience after all can demonstrate, whether they would be real improvements or not.

That under such forcible impressions, the House cannot consistently with the special duty they owe to the good people of this State or with the affection which in the enlarged spirit of Patriotism, they bear to the Citizens of the United States at large, concur with the Legislature of Virginia in their proposed application to Congress for calling a convention of the States for the above mentioned purpose."

I have the honor to be,

with great respect your Excellency's

most obedient & very humble servt.

THOS. MIFFLIN, President.

[Letter Book, Vol. II., p. 232.]

Expences of repairing the State-House, 1789.

In Council,

Philadelphia, March 10th, 1789.

Sir,

The State house requiring some repairs, Council appointed Messieurs Colliday, Hicks and Rakestraw to examine the several parts of the Building, and to report an Estimate of the Expence of the Repairs, which are this time necessary; which Estimate I have

* The portion of the Letter containd within quotation marks is an entire extract from the Resolutions of the General Assembly, passed, "Thursday March 5, 1789, A. M,

the honor of enclosing to you, to be laid before the General Assembly.

I have the honor to be,
with great Respect, Sir,
Your most obedient and
very humble servant,
THOMAS MIFFLIN.

Indorsed,

Read 1 time, Mar. 10, 1789, Read 2 time, Mar. 13, & ref'd to Mr. Robinson, Mr. Chapman & Mr. McLene.

Directed,

Honble The Speaker of the General Assembly.

—

Estimate of the Expences of the necessary repairs of the State House.

For new shingling the House on both sides and both wings on the North side,	£310
For covering the flat with copper,	290
For Painting the inside & out side of the House and Steeple, and out side of the wings, 2 Coats,	272
For laying a new brick floor in the Steeple & entry of the House and Sundry Repairs,	60
For finishing the sealing of the entry of the House and Repairing all the Plastering,	36
For sundry repairs in the Court Room,	87
For Painting & Penciling the front walls of the House & wings,	45
	£1100

The Difranee between Coppering & Shingling the Top Pitch, The Copering will cost £150 More; and the Expence of Painting and Penceling the walls £45

£195

March 6th, 1789.

JOSEPH RAKESTRAW,
NICHOLAS HICKS,
WM. COLLADAY.

Opinion of Judges Supreme Court in a case of Murder, 1789.

Philadelphia, March 12th, 1789.

Sir,

The Judges have re-considered the verdict of the Jury, against Charles Reed, under sentence of death, and also the cases cited by his Counsel, Messieurs Lewis and Sergeant to shew that the offence was only an atrocious Manslaughter; and we are still of opinion, that the facts proved on the trial support the verdict for murder. But we would further observe, that there are shades of guilt in murder as well as in every other offence; that in the case of the prisoner there was no old grudge against the deceased, for he had never seen him until within half an hour before; that the prisoner was only eighteen years and three months old when the crime was perpetrated, and that the passions of such young persons are stronger, and their reason weaker that in persons of riper years.

We are, Sir,
with very great regard
your Excellency's most
obedient humble servants,
THO. McKEAN,
GEO. BRYAN,
JACOB RUSH,

Directed,

His Excellency, Thomas Mifflin, Esquire, President, &c., of Pennsylvania.

Road From Bedford to Pittsburg, 1789.

The committee directed to report the names of proper persons, agreeable to a resolution of the Honble the Gen'l Assembly of November 21st, 1788, to view and mark out a road from the town of Bedford to Pittsburgh by the nearest courses and most practicable ground, beg leave to report that Alexander McLean, Esq., of the County of Fayett, James Guthry of the Country of Westmoreland and John Skenner, of the County of Franklin are proper persons to execute that business, and your committee offer the following resolution:—Resolved, that Alexander McLean, Esq., James Guthry & John Skenner be appointed Commissioners to view and mark a road between the town of Bedford and Pittsburgh, agreeably to the resolve aforesaid.†

* See Col. Rec., Vol. XVI., pp. 8, 9, 15, 25, 27.
† See Col. Rec., Vol. XVI., p. 26, 27.

Condition of Mud Island 1789.

Sir,

The bank of mud Island hath given way in sundry places, these have been repaired by the Tenant, and the whole is now in good repair, save about 35 perches at the south west Corner—And a few tides more will reduce it altogether. "A stitch in time here will save nine," and I have mentioned this that measures may if thought proper be taken for having it secured against the high tides we may shortly expect—The Island is now under lease at £30. ℔ annum, the Tenant to keep all the bank in repair except from a place at an acute angle of the stone fortification at the south East part of the Island westwardly round, about seventy perches to the place near the Bank work of Earth, and which also includes the 35 perches first mentioned, these seventy perches, are to be kept up by the state, and so far as it is done will I believe not soon need repair again—Independent of the injury done the Island by its being over flowed the stone work will be impaired in its foundation thereby—I believe the sum necessary to repair the s'd 35 perches will not exceed £30 specie at most.

I have the honor to be
with great respect your
Excelly's most obed't Serv't
JO. NICHOLSON.

Comptroller Generals office March 14th 1789.

Directed,
His Excell'y The President in Council.

Return of Officers for Volunteer Company of Artillery, 1789.

A Return of Officers for the Volunteer Company of Artillery, duly Elected Agreeable to the Militia Law of this State: Viz,

Jeremiah Fisher.	Captain.
George Hofner.	Capt's Lieutenant.
James Thompson.	1st, Lieutenant.
John Morrell.	2nd, Lieutenant.
Robert Morrell.	3d, Lieutenant.

City Lieutenants Office March 16th, 1789.

WM. HENRY. Lt.

Directed,
His Excellency Thomas Mifflin, Esq., President, and the Honorable Supreme Executive Council of the State of Pennsylvania.

Report on Mud Island 1789.

The Committee to whom was referred the letter of the comptroller gen'l. respecting the banks of mud Island, Report, That they find the Banks are in such a situation as to require immediate repair. And therefore offer the following Resolution.

Resolved, that the comptroller take order for the immediate repairing such part of the Banks of mud Island, as are by the lease to be kept up at the expense of the state.*

Indorsed,

Read in Council March 19th 1789. and Ordered That the Comptroller Gen'l. take measures to have the Banks repaired.

Secy. of Congress to Pres. Mifflin, 1789.

Office of Secretary of Congress March 18th, 1789.

Sir,

I have now the honor to transmit to your Excellency herewith enclosed two copies of the Thirteenth Volume which closes the journal of the United States in Congress assembled.

That the change which has been made with so much wisdom, Order, and tranquility may answer the end proposed, and promote and secure the happiness, prosperity, and glory of the Union is my most fervent prayer.

I have the honor to be with the
greatest Respect your Excellency's Most
obedient and Most Humble Servant,

CHAS. THOMSON.†

Directed,

His Excellency the President of Pennsylvania.

Genl. Richard Butler in favor of Cornplanter, 1789.

I beg leave to mention to your Excellency & Council that Capt'n Abeal, alias the Cornplanter, one of the principal Chiefs of the Senneca Tribe of the Six Nations, has been very useful in all the Treaties since 1784 inclusive, & particularly to the State of Penns'a, this he has demonstrated very fully, & his attachment at present to the State appears very great. This has induced me to suggest to you

* See page 561.

† See Col. Rec. Vol. VI., p. 32.

Excellency and Council whether it may not be good Pollicy in the state to fix this attachment by making it his interest to continue it. This from the Ideas he possesses of Civilization induces me to think if the state would be pleased to grant him a small tract of land within the late purchase, it would be very grateful to him, & have that Effect. This may be done in a maner that would render him service without lessening his influence with his own people or Exposing him to jealousy. The quantity need not be large, perhaps one thousand or fifteen hundred acres. How far your Excellency & Council may concur in this opinion will rest with your Excellency & them. My wishes for the quiet & interest of the state as well as the merits of the man, has induced me to take the liberty to mention this matter and hope the notice will be my appology.

I have the honor to be,
with the greatest respect,
Sir, your Excellency's most
obed. & very Hu'e st.,
RICH'D BUTLER.*

Philad'a, 23d March, 1789.

Directed,

His Excellency, Thomas Mifflin, Esquire, President of the State of Penn'a, Philad'a

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CHRISTIAN FEBIGER TO PRES. MIFFLIN—RESIGNATION AS AUCTIONEER, 1789.

His Excellency, Thomas Mifflin, Esq'r, President, & The Honble Supreme Executive Council of the Common Wealth of Pennsylvania.

Gentlemen,

The office of Auctioneer, in the Northern Libertys, which I have carried on upwards of two years & a half in Company with Mr. Wm. Shannan, is from various causes of late become so unproductive, as barely to defray the expences attending it, without yielding any Emolument to either. This makes it necessary, that one of us at least quitt it, which from motives not unpardonable, I have concluded to do, and now take the liberty of enclosing the Commission with which I have been honour'd, accompanied with a certificate from the Comptroller General, showing that I have discharged my Duty.

* See proceedings, Col. Rec., Vol. XVI., p. 36.

Permit me, (whilst I thus resign the Trust, which the State has been pleas'd to repose in me;) to indulge a hope, that Your Excellency and the honorable Council will be favorably disposed towards my late Partner, who will apply for the appointment in my stead. All I shall presume to say, concerning him, is, that from experience I know him to be an honest & capable man to transact any Business committed to his care with good Faith and strict Punctuality.

Impressed with the most lively sense of gratitude for all favours receiv'd at the hands of your Excellency & the Honorable Council, & ever willing to enter into any employment, where I may be rendered more useful to the State or Society, than in the situation of an obscure Individual.

I have the honor to be, with
the most profound Veneration
& Respect, Gentlemen, your
much obliged and most
faithful humble servant,
CHRISTIAN FEBIGER.

Resolution of Assembly—Calling a Convention, 1789.

State of Pennsylvania, In General Assembly,

Tuesday March 24th, 1789, A. M.

The motion made by Mr. Winkoop, seconded by Mr. Schmyser, March 20th, containing an address on the subject of calling a convention for the purposes therein mentioned, was read the second time.

It was moved by Mr. Lewis, seconded by Mr. Clymer to postpone the same in order to introduce the following resolution in lieu thereof, viz.:

Resolved,

That in the opinion of this house, alterations and amendments of the Constitution of this State are immmediately necessary.

And whereas, by the declaration of Independence it is declared as a self-evident truth, "That all men are endowed by their Creator "with certain unalienable rights; that among those are life, liberty "and the pursuit of happiness; that to secure these rights, govern-"ments are instituted among men, deriving their just powers from "the consent of the governed; that when ever any form of govern-"ment becomes destructive of these ends, it is the right of the

* See Col. Rec., Vol. XVI., pp. 35, 36.

" people to alter or to abolish it, and to institute new government " laying its foundations in such principles, and organizing its " powers in such form, as to them shall seem most likely to effect " their safety and happiness;" and whereas, it is also declared by our own Bill of rights, " That government is or ought to be in- " stituted for the Common benefit, protection and security of the " people, nation or community, and not for the particular emolument " of any single man, family or set of men, who are a part only of " that community;" and that " the community hath an indubitable, " unalienable and undefeasable right to reform, alter or abolish " government *in such manner* as shall be by that community judged " most conducive to the public Weal:" from all which, as well as from the nature of society and the principles of government, it manifestly appears that the people have at all times an inherent right to alter and amend the form of government, in such manner as they shall think proper: and also that they are not and cannot be limited to any certain rule or mode of accomplishing the same, but may make choice of such method as to them may appear best adapted to the end proposed.

And whereas the burthens and expences of the present form of Government are with difficulty borne; and various instances occur, wherein this form is contradictory to the Constitution of the United States, which every member of the Legislature, and all executive and judicial officers must be bound by oath or affirmation to support. Circumstances which will not admit of the delay of the mode pre-prescribed in the Constitution—It is, therefore, further

Resolved,

That it be, and it is hereby proposed and earnestly recommended by this House, in execution of their trust as faithful, honest, representatives and Guardians of the people, to the Citizens of this Commonwealth, that they take this important subject into their serious consideration. And should they concur in opinion with this House, it being the right of the people alone to determine on this interesting question,) that a convention for the purposes of revising, altering and amending the Constitution of the State is necessary, it is hereby submitted to their decision, whether it will not be most convenient and proper for them to elect members of Convention of the same numbers and in the like proportions for the City of Philadelphia and the several counties with those of their representatives in Assembly, on the day of the next general election, at the places, and in the manner prescribed in cases of elections of members of Assembly by the laws of the State.

That this House, on the pleasure of the people in the premises being signified to them at their next sitting, will provide by law for the expences which will necessarily be incurred by the proposed convention, and will, if requested, appoint the time and place for the meeting thereof.

And that the Supreme Executive Council be, and they are hereby requested to promulgate this recommendation to the good People of this State in such way and manner as to them shall seem most expedient, for the purposes therein intended.

Which was carried in the affirmative, and the same resolutions being by special order read the second time.

On the question, "*Will the House adopt the said Resolutions?*"

The Yeas and Nays were called by Mr. McLene and Mr. Kennedy, and were as follows, viz:

Yeas 41. Nays 17.

So it was carried in the affirmative and the Resolutions adopted.

Extract from the Minutes,

J. SHALLUS,
Ass. Clk.*

Indorsed,

Read in Council, March 28th, 1789, and Resolved That Council cannot comply with the request therein contained.

Resolution of Assembly—Lands at Erie, 1789.

State of Pennsylvania, In General Assembly,
Tuesday, March 24th, 1789, A. M.

The Committee appointed November 13th, last, on that part of the Message from Council respecting a reservation of certain lands for the use of the State, made report, which was read; and on motion and by special order the same was read the second time and adopted as follows, viz^{t}:

The Committee on that part of the message of Council which respects reservations of certain lands for the use of the state, report the following resolution, viz^{t}:

Resolved, That the Supreme Executive Council be authorized and requested, and they are hereby authorized and requested, to direct locations to be made and surveyed for the use of the Commonwealth of lands at Presque Isle formed by Lake Erie, at le Boeuf, at the head of the Navigation of French Creek, at the mouth of Conewangoo, in the County of Allegheny, and at the Fort of Vinango, not exceeding at each place three thousand acres, and that this House will provide by law accordingly.

And that Council also be, and they are hereby requested to set apart and cause to be surveyed the quantity of fifteen hundred acres in the tract or country on Lake Erie, lately purchased from the United States, for the Use of the Seneca Chief, called

* See Col. Rec., Vol. XVI., p. 41.

Captain Abeal or the Cornplanter,* to be granted to him and his Heirs and Assigns for ever in consideration of his personal merit and attachment to this State.

Extract from the Minutes,
PETER Z. LLOYD, Clerk of the
General Assembly.

Directed,

The honorable the Supreme Executive Council.

PRES. MIFFLIN TO BRIG. GEN. MIRO.—CASE OF A NEGRO.
1789.

Philadelphia, March 25, 1789

Sir,

At the Request of the Supreme Executive Council of the Commonwealth of Pennsylvania over which I have the honor to preside, I transmit under Cover to your Excellency a memorial from the Committee of a Society established in this City for promoting the abolition of Slavery & assistance of free Negroes unlawfully held in Bondage, together with several Depositions, and the Report of a Committee of Council & their Resolution thereupon relating to the Case of Philip Johnson, a young Negro man & free Citizen of this Commonwealth, who by the inhuman artifice of Benjamin Crawford late master of the Sloop Molly, has been carried off & sold as a slave, & as we are given to understand by the enclosed Papers, is now at New Orleans within your Excellency's Jurisdiction.

As it appears from the Information we have received that your Excellency has been already made acquainted with some of the Circumstances of this Case, and has been pleased to promise that Enquiry should be further made concerning it and justice done to the man, & having an entire Confidence in your Excellency's favorable Disposition & Love of justice, I conceive that I fully comply with the Request of Council by furnishing your Excellency with the enclosed Documents and Proofs which clearly shew that a free Citizen of this State is now in Slavery by the wicked Conduct of the Person from whom he had a Right to expect Protection in a foreign Country.

The exalted Station & honorable Character which your Excellency fills & sustains render it unnecessary for me to do more than to make the Case known in order to obtain the desired relief, which I doubt not will be afforded to the unhappy Object as soon as your Excellency's Leisure will admit.

* See page 563.

With assurances that a reciprocal attention will be paid to any similar Information from your Excellency.

I have the Honor to be,
with Sentiments of Respect and Esteem,
your Excellency's most obedient & Humble Servant.
THOMAS MIFFLIN.

Directed,
His Excellency Don Estevan Miro, Brigadier General of the armies Governor, Civil, & Military of his most Catholic majesty's Province of Louisiana New Orleans.

HON. THOS. SCOTT TO PRES. MIFFLIN, 1789.

Philadelphia March 27th, 1789.

Sir,
Being this far on my way to New York, in order to take a seat in Congress, as a representative of This State, I have thought it my duty to make the same known to your Excell'y and the Executive Council, and shall be much Hon'd by any command.

I have the Honor to be your
Excellency's Most obedient
and very Humble Servant
THOS. SCOTT.*

Directed,
His Excellency Thomas Mifflin, Esquire, President of Pennsylvania, Philadelphia.

APPOINTMENT OF REGISTER GENERAL 1789.

His Excellency Thomas Mifflin Esq. and The Hon'ble Supreme Executive Council.

The Hon'ble Legislature having appointed me to the Office of Register General of the public accounts of the State of Pennsylvania, I beg leave to inform Council, that I am ready to enter upon the Duties of my Office whenever a place shall be assigned for that purpose†

I have the Honor to be
with great Respect your
most Obedient Humb. Servant
JOHN DONNALDSON.

Philada. April 1st, 1789.
Directed,
His Excellency Thomas Mifflin, Esq., in Council.

* See Col. Rec. Vol. XVI., p. 40
† See Col. Rec., Vol. XVI., p. 45.

PENNSYLVANIA SOCIETY FOR ENCOURAGING MANUFACTURES, 1789.

The General Assembly having passed a Law to assist the Cotton Manufactures of this State, authorizing the Treasurer of the State to subscribe in, & for the use of the State for One Hundred Shares in the Manufacturing Fund of the Pennsylvania Society for the encouragement of manufactures & the useful arts. Thomas Rushton chairman, & Christopher Marshall Jun., Treasurer, are appointed to wait on the President & Supreme Executive Council, for an order on the State Treasurer for one Thousand Pounds agreeable to said Law.*

Extract from the minutes of the Manufacturing Committee of April 2d, 1789.

CHARLES MARSHALL, Secy.

I do certify that I have subscribed for one Hundred Shares in the manufacturing Fund of the Pennsylvania Society for the Encouragement of Manufactures and the useful Arts agreeable to Law.

April 9th, 1789.

DAVID RITTENHOUSE, S. Tr.

REGISTER GENERAL'S OFFICE, 1789.

His Excellency, Thomas Mifflin, Esq., The Honble. Supreme Executive, Council.

I have the Honor to inform Council, that I have opened my office, for Registering the Public Accounts in West Wing of the State House, and request permission to appoint a Clerk to assist in the execution of the Duties thereof, also Councils opinion of the salary to be allowed, and the kind of money it must be paid in.

I am with great respect,
your most obedient Humble Servt.

JOHN DONNALDSON,
Regr. Gen. office.†

April 2, 1789.

Directed,
His Excellency, Thomas Mifflin Esq., in Council.

* See Col. Rec., Vol. XVI., p. 51, order drawn.
† See Col. Rec., Vol. XVI., p. 63.

Register General's Clerk, 1789.

His Excellency, Thomas Mifflin, Esq., and The Honble. Supreme Executive Council.

I have agreed with Mr. Thomas Smith as Clk. in my office at one hundred & fifty pounds paper money ℔ ann. payable Quarterly provided Council shall approve the same.

I have the Honor to be,
with great Respect,
your most obedient Humble servt.
JOHN DONNALDSON,
Reg. Gen. office.

April 3, 1789.

Directed,

His Excellency, Thomas Mifflin Esq., in Council.

Burial Ground for Strangers in Philadelphia, 1789.

Whereas by an act of the Genl. Assembly, passed the 8th day of April, 1786. "The Supreme Executive Council were authorized and required to reserve so many of the Public lots as shall be at least 200 feet, & not more than 400 feet square in such part of the City as they may think most convenient, to be appropriated as a burial ground for the interment of deceased Strangers, and such other persons who may not have been in communion with any Religious society at the time of their decease. And whereas this council did obey their Resolution of the 14th of Sept. 1787, appropriate a lot on Lumbard street between 9th & 10 streets, from Delaware, Containing 78 feet on Ninth and Tenth streets, and 396 feet on Lumbard street, for the purposes aforesaid. But no further appropriation has yet been made. Therefore Resolved, That part of the square or lot of ground between front and 2d streets From Schuylkill, and Race & Vine street, containing 316 feet on front & Second Streets aforesaid, & 396 feet on Vine street, be appropriated for a Burial ground for strangers, &c., agreeable to an act of Genl. Assembly passed the 8th day of April, 1786.*

Indorsed,

[Read in Council, April 3d, 1789, 1st time, referred to Vice President, Mr. Redick, Mr. Dennison.

* See Col. Rec., Vol. XVI., p. 69.

Memorial of Controller General on Lots, 1789.

There is an Act of Council appropriating seventy-eight feet deep & 396 feet in breadth, on the south side of Lombard street, on the square opposite the alms house, & the same length & depth on the square next to it, on the east side thereof, for a public buryial ground.

I understood that there was also an appropriation for the same purpose, of one square bounded by Front & 2d streets, from Schuylkill, & by Vine & Race streets, for the accommodation of people up town—396 feet by 632.*

Act of Assembly, 8th April, 1786.

Minutes Council, 14th Septr., 1787.

Commissioners to Run Lines of Huntingdon County, 1789.

Your Committee to whom was referred the nomination of three Commissioners to run the Boundary line of Huntingdon County,

Beg leave to report—

That Benjn. Elliott, Esqr., of Huntingdon County, James Harris, of Cumberland County, & Mathew Taylor, of Bedford County, are proper persons to be Appointed for the Running & marking said Boundary.†

Register General to Deputy Secretary of Council—Papers, 1789.

Sir,

It is necessary that all accounts after being read in Council, should be returned again to this office.

I am with respect,

your most hble servt.,

JOHN DONNALDSON.

Reg. Genl's Office, April 11, 1789.

Directed,

James Trimble, Esqr., Deputy Secretary to Council.

* A draft of both lots accompanies these on file.

† See Col. Rec., Vol. XVI., p. 46—they were appointed.

RECEIVER GENERAL—CITY LOTS, 1789.

Philadelphia, April 14th, 1789.

Sir,

I beg leave to lay before Council a list of Eleven City Lots purchased by Doctor Christie on the first day of December, 1787, and not yet paid for. Vizt., from No. 2,265 to No. 2,275, inclusive, amounting to £825. I shall be glad to receive Instructions from your Honorable Board respecting a re-sale, in case it shall be deem'd necessary.*

I have the honor to be
your Excellency's most obt. servant,
FRAS. JOHNSTON.

Directed,
His Excellency, Thomas Mifflin, Esqr., President in Council.

MESSRS. PETERS AND CURWEN—LANCASTER TURNPIKE, 1789.

Philadelphia, April 15th, 1789.

Sir,

A Number of the Inhabitants of Blockley & Merion Townships have requested us among others, to wait on Council on the Subject of the Part of the Lancaster Road called Jones's Lane.† Previous to our being able to lay before Council any Opinions of the Mode of making the Road, it was necessary to know whether the Plan of having the Business done by Contract was exclusively adhered to. We have never been able to make such Calculations as would induce any Persons we could depend upon to undertake a Contract with any Prospect of Safety to themselves, or Justice to the Public. It is a new Thing in this Country, & the first Attempt is rather an Experiment than anything so decidedly known as to form an Estimate with Certainty. The Width of the Road to be made should be ascertained—& whether or not it is to be paved, & in short the Mode exactly pointed out which will be considered as satisfactory to the Public. Contracts are often abused, as well as Undertakings where no Sums are limited. If Council would appoint some proper Character to have the Road effectually made under such Instructions as they should please to direct, we conceive the Matter could be accomplished, & an Account kept & rendered of the Expence. W

* Col. Rec., Vol. XVI., p. 95—to be re-sold.
† See Col. Rec., Vol. XVI., pp. 11, 140, and p. 335 of this.

believe such a Person could be found. As to ourselves, we have no Objects, but have taken the Liberty of mentioning these Things to Council on a public Account. We take the Freedom to observe that if a Sum of Money could in this Instance be applied even to learn the proper Mode of turnpiking Roads, the Experiment would turn out advantageous in its consequences, tho' more might be laid out from Want of a perfect Knowledge at first in this Business, than a better Acquaintance with it would in future cases be thought necessary.

We have the Honor to be,
with great Respect your obed. Servants.

RICHARD PETERS,
JOHN CURWEN.*

Directed,
His Excellency, Thomas Mifflin, Esq., President &c.
Indorsed,
[Read the same day, and referred to Col. Miles, Mr. Watt & Potts, their report inclosed.]

Flour Inspector of Philadelphia, 1789.

Philadelphia ss.
This is to certify that James Read Esq., hath duly qualified before me to Execute faithfully & impartially the office of Flour Inspector for the City & County of Philada. agreeable to Law, Witness my Hand & Seal,
Philada. April 23d, 1789.

WM. POLLARD.†

Clement Biddle to Committee of Council—on Exchange Loans, 1789.

Gentlemen,
On your desire that I would commit to writing, my observations on the mode of Exchanging the Certificates in pursuance of the late Law for repealing the payment of New Loan, or the Interest thereof, I beg leave to remark that it seems to be the intention of the Law, not only to give every possible facility to the holders of the New Loan certificates to exchange them without delay for their original certificates, or others of the same amount, but also to stop

* See Col. Rec., Vol. XVI., p. 11, 140, and p. 335, of this.
† See Col. Rec., Vol. XVI., p. 62. this appears to be a re-appointment.

the payment of the Interest by this State. To effect the speedy Exchange, I am of opinion that Council might Order,

That the Comptoller General be directed to draw from the Loan officer of the United States so much Interest in Indents on such Certificates as shall be applied for to him, to be exchanged as shall enable him to pay the Interest that may be due on such New Loan Certificates as may be offered for Exchange, and that the Comptroller General be directed to exchange such New Loan Certificates as shall be offered to him for that purpose for the original Certificates of the United States, which were loan'd for the same, and are in his hands to answer the amount, and in every case where this State shall have received more Interest from the United States than shall have been paid on such New Loan certificates, so to be returned, that the Comptroller General shall pay such overplus in Indents to the holder or holders of such Certificates.

That where Interest shall have been paid on any New Loan certificate beyond the 31st day of December 1787, the Comptroller Genl shall receive Indents for the amount of Interest so paid, to equalize the same before he shall exchange such certificate.

That when any new loan Certificate shall be offered to the Comptroller General to be exchanged, and which from having been cut up or divided cannot be exchanged for the original Certificate of the United States, that the Comptroller General be authorized and directed to exchange the same from such of the Certificates of the United States for the like sums as have been paid into the land office of this State, and to settle the same in Indents in the same Manner as before mentioned, in the Exchange of New Loan Certificates for the original Certificates of the United States.

This mode will, I imagine, go far towards accommodating all such as may immediately apply for an Exchange of their certificates, but if on Experience it is not found to answer every Case, a sum in the certificates of the United States, which have been paid into the Land office of this State may be entered on the Books of the Treasury of the United States, in the names of the Members of Congress of this State or some of them as Trustees for the State, and on any Certificates being produced to the Comptroller General which could not be exchanged in the mode herein before mentioned on a certificate from him of the amount, a transfer could be made by the Trustees aforesaid on the Books of the Treasury of the United States to the holder of such Certificate, and the State would be then charged there with on the Books of the Treasury of the United States, in such Cases the Interest may be equalized in the same manner as before proposed to be done by the Comptroller General.

Many Certificates have been loaned, bearing date between the 1st September 1787, and 1st March 1788, which are depreciated on the principal sum, but draw Interest on the nominal sum, these could not be transfered on the Books of the Treasury of the United States so readily exchanged for those paid into the Land office of this State

but so few of these, if any, have been cut up or divided that they will generally find the original certificates to Exchange for them. There is at present a Considerable Demand for Certificates of the United States, which is the only reason that there is a brisk sale for the new loan Certificates with very little abatement in price from what they were before the stoppage of the Interest by the State.

It might be advisable in the State to facilitate an immediate Exchange to induce the purchasers who have a view to that mode, to make the same, before the payment of the April Interest which would be a very great saving to this State, but the purchasers, generally waiting for the Interest to October last, and as the Treasurer of the State has entered Interest on the New Loan Certificates to that time, not only for the paper Bank, but for many Individuals, it would be advisable, and but equal Justice, for the State Treasurer to enter the Interest to October last, at least on all such New loan Certificates as should be offered for Exchange, he should be strongly prohibited from entering the present April Interest in any Case whatsoever, until all preceding Interest is first paid up, and he is actually in cash to pay the same, which would secure the last six months interest to the State, as the present disposition to exchange is so great, that a Considerable part of the New loan Certificates, will be returned to the Comptroller General before the Treasurer of this State is in a situation to discharge the April Interest. I have the honor to be,

with respect, your most obed.
& very humble servt.
CLEMENT BIDDLE.

Philadelphia, April 23, 1789.

Directed,

The Honble. Samuel Miles, Abraham Smith and David Redick, Esquires.

Report of Committee on Securing Public Records, 1789.

The Committee to whom was recommitted the plan for securing the Public Record &c., Report. That two Watchmen will be sufficient to guard the Buildings and public papers in the State House & wings, and perhaps it may be requisite to employ one man for the safety of the Public Treasury. The necessary annual expences of this establishment will probably be nearly as follows, viz:

2 Watchmen for the State House who must continue on duty from dark until day light,	10 Dols. ℔ mo.	£	90	
1 Ditto for Treasury, to be on duty the usual time of the City watch,	60 s. ℔ mo.		36	
Oil for 4 lamps, 60 Gallons,	3 s. 6 p.		10	10
Cotton wick for four lamps,				12 6
		£	137	2 6

Besides the above, there will be some immediate Expence in Lamps, Ladders, Staves, &c. Your committee would upon the whole, offer the following Resolution.

Resolved, That the Secretary of Council be & he is hereby authorized and requested to engage two sober Honest men, as watchmen for the State House, and one man of like character for the Treasury, if it be found necessary, and to contract for the requisite quantity of oil & cotton wick for the Lamps, and likewise to provide proper watch Flames, &c.*

John Adlum to Pres. Mifflin, 1789.

To his Excellency the President, and the Supreme Executive Council.

In Pursuance of a Resolve of your Honble. Board, dated the 4th Inst.† directing John Lukens Esq., Surveyor General, to appoint a proper Person to Locate & Survey four Reserved Tracts of Land, at Presque Isle, La Beauf &c., for the use of the State.

And whereas, the subscriber has received a Commission from the Surveyor General, authorising him to survey the said reserved Tracts, and wishing to go on said business as soon as the season will permit, he therefore, thinks it expedient to apply to your Honble. Board, for the sum of Pounds, to enable him to proceed on said business.

I have the Honor to be, &c.,

Gentlemen, your most obedt, Humb. Servt.

JOHN ADLUM.

April 14th, 1789.

Indorsed,

[Referred to Vice President Mr. Redick, Mr. Smith, See March 1784, act of Assembly.]

Estimate of Expenses, for Surveying Tracts at Presque Isle, &c., 1789.

An estimate of expences for Provisions, Hands &c., for Surveying the reserved Tracts at Presque Isle, Le Beauf, &c., for the use of the State.

* See page 558, also Col. Rec., Vol. XVI., p. 64.

† See Col. Rec., Vol. XVI., pp. 46, 66.

	£	S	D
To expences for Provisions, Packing, &c., for 60 days,	26	10	0
To expences for four Hands,	30	00	0
	*£56	10	0

Indorsed,

[Reported on 24th Ap. 1789.]

Report of Committee on letter of Mr. Adlum—Erie, 1789.

The committee to whom the letter of Mr. Adlum, Surveyor requesting a sum of money to be advanced to him, in order to enable him to locate and survey the several tracts of Land reserved by resolve of the Genl. Assembly of the 24th, of March last was refered beg leave to report.

That it appears to your committee that the Honorable the Genl. Assembly, by their resolve of the 24th of March last, did request the Supreme Executive Council to direct locations to be made and surveyed for the use of the Commonwealth of lands at Presque Isle, formed by Lake Erie, at le Beauf, at the head of the navigation of French creek, at the mouth of Canawango in the County of Allegania, and at the Fort of Vanango, not exceeding three thousand acres at each place, and that the Assembly will provide by Law accordingly. That the board by their act of the 4th of this Inst.† April, in compliance with the said resolution of the Honble. the Assembly did direct the Surveyor Genl. to appoint a proper person to locate and Survey the said reservations, and it appears that the Surveyor Genl. in compliance therewith, hath appointed and commissioned Mr John Adlum for the purposes aforesaid. Your committee has cast their eyes around in search of a fund on which Council might lay their hand in order to enable the Surveyor to proceed to the execution of the business, the committee finds no monies which Council may with proprietory advance for the purpose aforesaid, they therefore offer the following resolve. That the request of Mr. Adlum cannot at present be complied with.

Indorsed,

[Read 1st Time, 24th April, 1789, read & adopted 28th Septem. 1789.

* See Col. Rec., Vol. XIV., p. 66.

† See Col. Rec., Vol. XVI., p. 36, 46, 66

Dr. Benjamin Rush to Pres. Mifflin, &c., 1789.

Philada. May, 1789.

Gentlemen,

Permit me for the last time, to request an order thro' the treasurer of the State, for a draft upon the treasury of Cumberland county, for six months interest upon the certificates of Dickinson College due on the first day of last month.

Your compliance with this request will add to the many obligations conferred upon that Seminary of learning by the legislature & Council of Pennsylvania.

With great respect, I have the honor to be in the name of the trustees of the College, your most humble servant.

BENJN. RUSH.*

Directed,

His Excellency, The President, and the Honble the Executive Council of Pennsylvania.

Report of Comptroller General on Offcer's accounts 1789.

Names of Officers.	To what time settled.
Charles Biddle, Esqr. Secry. of Council for fees,	till' 23d October 1788.
Sharp Delaney, Esq., Collector of the Customs,	1st April, do
Wardens of the Port,	Sept. 1787
Samuel Caldwell Esq., Tonnage officer, not settled since his appointment, but accounts promised in a few days.	
John Jones Health officer,	July, 1st, 1788
John Patton, Esq., Auctioneer City Philada.	Aug. 14th, do
Adam Hubley, Esq., do Southwark,	do 20th, do
Christian Febiger Esq., do Northern Liberties,	Nov. 1st, do
Francis Johnston, Esq., Rec., Genl. for lands sold,	do do
ditto for fees reed.	do do
John Lukens Esq., Surveyor Gen. for fees reed.	Aug. 1st, do
David Kennedy, Esq., Secy. Land office for fees reed.	do do
Jonathan B. Smith, late Proth. County Phila. James Biddle, Esq., appointed lately.	Sept. 22nd, do
Samuel Benezet, Prothy. Buck County,	Feb. 3rd, 1787

* See Col. Rec., Vol. XVI., p. 77.

Caleb Davis Pothy.	Chester County	Phila.	Aug. 26th, 1788.
John Hubley do	Lancaster,		Sept. 20th, do
Henry Miller do	York,		June, 1st, 1787.
Williams Lyons do	Cumberland,		July, 24th, do
John Agnew Clerk qr., sessions	do		Aug. 10th, 1786.
Daniel Levan, Esq., do	Berks,		Sept. 20th, 1787.
William Craig Esq., do	Northampton, appointed May 1788, not settled since.		
David Espy, Esq., do	Bedford,		April, 1787.
Lawrence Keene, Esq., Clerk qr. sessions Northd. Co., 'till July 18th, 1787.			
Michael Huffnagle, Esq., do	Westmoreland,		Dec. 1785.
Thomas Scott, Esq., do	Washington,		Apl. 1788.
Ephraim Douglass, Esq., do	Fayette,		May, do
Edward Crawford, Esq., do	Franklin,		April, do
Thomas Craig, Esq., do	Montgomery,		Nov. 1785.
Alexander Graydon, Esq., do	Dauphin,		Oct. 1787.
Timothy Pickering, Esq., do	Luzerne, not settled since appointment.		
Lazarus McLean, Esq., do	Huntington,		Nov. 19th, 1788.
James Bryson, Esq., do	Alleganey appointed last sessions.		
Hillary Baker, Esq., do	Philad. Co.		Oct. 18th, 1788.
William Nicholas, Esq., do	of City Court Philada.		Aug. 6th, do
William Henry, Esq , Lieut. of City of Philada. & Liberties.			Sept. 8th, 1788.
William Coats, Esq., do	Phila. County.		March, 1783.
Francis Murray, Esq., do	Bucks do		March, 1787.
Joseph McClellan, Esq., do	Chester do		July, 1788.
James Ross, Esq., do	Lancaster do		March, do
William Scott, Esq., do	York do		Feby. 1787.
George Gibson, Esq., do	Cumberland do		March, 1788.
Valentine Eckert, Esq., do	Berks, do		Nov. 1785.
John Craig, Esq., do	Northampt'n do appointed in 1787, not settled since.		
Hugh Barclay, Esq., do	Bedford do appointed Decr. 1787, not settled since.		
William Wilson, Esq., do	Northumberland till 1785.		
Charles Campbell, Esq., do	Westmoreland appointed—not settled since.		
James Marshall, Esq., do	Washington, do		Nov. 1786.
William Bell, Esq., Lieut.	Fayette County appointed 1785, not settled since.		
Jeremiah Talbot Esq., do	Franklin do appd- Decr. 787, not settled since.		

Abel Morgan, Esq., do	till 1785.		
John Gloninger, Esq., do	Dauphin, do	Sept.	1788.
Zebulon Butler, Esq., do	Luzerne, do	Aug.	1788.
Edward Bartholomew, Esq., Collr. Excise, City & Co. Philada.		Jany.	1788.
William Harvey, Esq.,	do Bucks County,	Oct. 26th,	1786.
John Christie, Esq.,	do Chester do	Jany. 1st,	1788.
Samuel Twibett, Esq.,	do Lancaster, do	Sept 22nd,	1788.
John Forsyth, Esq.,	do York do	Aug. 1st,	1788.
Richard Parker, Esq., settled soon expected.	Cumberland do. not		
Nicholas Brossius, Esq.,	do Berks, do	Aug.	1787.
John Craig, Esq., lately appointed.	do Northampton		
Samuel Crossan, Esq.,	do Bedford,	Nov. 2nd,	1788.
Christopher Derring, Esq., Not settled, but writes he can get little.	do Northumberland		
Collectors of	Westmoreland,	have not acted.	
"	Washington,		
"	Fayette,		
"	Frankln,		
Jacob Auld, Esq., do	Montgomery,	till Oct.	1787.
Andrew Forrest, Esq., do	Dauphin,	Aug.	do

Report of Comptrollers on Officers and their accounts, 1789.

List of Officers, with the dates to which their accounts respectively have been rendered by them for settlement.

Names of Officers,	To what time.
Charles Biddle, Esq., Secy. Council,	23d, April. 1789
Sharp Delancy, Esq., Collr. Customs,	1st, May, 1788
Wardens of the Port,	Sept. 1787
Samuel Caldwell, Esq., Tonnage officer,	Mar. 22nd, 1788
John Jones Health officer,	Jany. 1st, 1789
John Patton, Auctioneer, City of Philad.	Nov. 14th, 1788
Adam Hubley, Esq., do Southwark,	Feb. 25th, 1789
William Shannon, Esq., do Northern Liberties, lately appd.	
Francis Johnston, Esq., Receiver Genl. for lands sold.	1st, Feby. 1789
do for fees,	1st, Feby. 1789

David Kennedy, Esq., Secretary,			1st, Feby. 1789.
John Lukens, Esq., Surveyor Genl.			1st, Feby. 1789.
Jame Biddle, Esq., Prothy. City & County Philade. lately appd.			
Samuel Benezet	do	Bucks,	
Caleb Davis, Esq.,	do	Chester,	21st. Feb. 1789.
John Hubley, Esq,	do	Lancaster,	22nd, Mar. 1789.
Henry Miller, Esq.,	do	York,	June, 1st, 1787.
William Lyons, Esq.,	do	Cumberland,	July, 24th, 1787.
John Agnew, Esq., Clerk of Qr. sessions	do		Aug. 16th, 1789.
Daniel Levan, Esq., Prothy Berks, (writs to 29th March, 1789.) Licenses to April, 20th, 1789.			
Wm. Craig, Esq.,	do	Northampton,	May, 22nd, 1788.
David Espy Esq.,	do	Bedford County recd. since to 6th May, 1789, 'till April 1787.	
Laurence Keene, Esq., Co., till Aug. term 1788.	do	Northumberland	
Michael Huffnagle, Esq.,	do	Westmoreland Co.	Dec. 1785.
Thomas Scott, Esq.,	do	Washington Co.	Sept. 1788.
Ephraim Douglas,	do	Fayette do	May, 1788.
Edward Crawford, Esq., Pronthonotary Franklin County.			April, 1st, 1789.
Thomas Craig, Esq.,	do	Montgomery do	March, 1789.
Alexander Graydon, Esq.,	do	Dauphin, do	August, 1788.
Timothy Pickering, Esq.,	do	Luzerne, do	Oct. 7th, 1786.
Andrew Henderson, Esq, lately appointed, not settled.	do	Huntington do	
James Bryson, Esq.,	do	Alleganey, do	Sept. 26th, 1788.
Hilary Baker, Esq., Clerk Qr. sessions Philada. Co.			March, 1st, 1789.
William Henry Esq., Lieut. City of Philada & Liberties.			May, 1st, do
William Coats, Esq.,	do	County of Phila.	March, 1783.
Francis Muaray Esq.,	do	Bucks,	March, 1787.
Joseph McClellan, Esq.,	do	Chester,	July, 1788.
James Ross, Esq.,	do	Lancaster,	March, 1788.
William Scott, Esq.,	do	York,	Feby, 1787.
George Gibson, Esq.,	do	Cumberland,	May, 1st, 1789.
Valentine Eckert, Esq.,	do	Berks.	May, 1st, 1789.
John Craig, Esq., appd. 1787, not settled since.	do	Northampton,	
Hugh Barclay, Esq.,	do	Bedford,	Nov. 30th, 1787.
William Wilson, Esq., land, Co.	do	Northumber-	1785.

Charles Campbell, Esq., Lieut. not settled since appmt.		Westmoreland	
James Marshall, Esq.,	do	Washington,	Nov. 1786.
William Bell, Esq., 1785, not settled.	do	Fayette, appd.	
Jeremiah Talbot, Esq.,	do	Franklin,	Apl, 18th, 1789.
Abel Montgomery Esq., appd. 1785, not settled since.	do	Montgomery,	
John Gloningle, Esq.,	do	Dauphin,	Sept. 1788.
Zebulon Butler, Esq.,	do	Luzerne,	Aug. 26th, 1788.
Richard Butler, Esq.,	do	Alleganey,	30th, Sept, 1783.
Edward Bartholomew Esq. City & Philadelphia,	do	Collr. Excise	Jany. 1st, 1789.
William Harvey, Esq.,	Collr. Excise,	Bucks,	Oct. 26th, 1786.
John Christie, Esq.,	do	Chester,	March, 1789.
Samuel Terbert, Esq.,	do	Lancaster,	Sept. 22nd, 1788.
John Forsyth, Esq.,	do	York,	Aug. 1st, 1788.
Richard Parker, Esq.,	do	Cumberland,	June, 2nd, 1787.
Nicholas Brossius Esq.,	do	Berks,	August, 1787.
John Craig, Esq., appd. fall, 1788.	do	Northampton,	
Samuel Crossan, Esq.,	do	Bedford Co.	Nov. 2nd, 1788.
Christopher Derring, Esq.,	do	Northumberland	Mar. 7th, 1786.
John Giffer, Esq.,	do	Westmoreland,	Mar. 3rd, 1787.
John Todd, Esq.,	do	Washington,	Dec. 12th, 1786.
Joseph Dougles, Esq.,	do	Fayette,	Dec. 12th, 1786.
Robert Parker, Esq.,	do	Franklin,	Nov. 17th, 1787.
Jacob Auld, Esq.,	do	Montgomery,	Apl. 16th, 1789.
Andrew Forrest, Esq.,	do	Dauphin,	August, 1787.

Directed,

To His Excelly. The President, & the Honble. the Supreme Executive Council of Pennsylva., The above is respectfully submittedby ,

JN. NICHOLSON,
Comptr. Genl's Office, May 6th, 1789.

Resolution of Congress on Imposts, 1789.

In the House of Representatives of the United States.
Friday, the 8th of May, 1789.

On motion,

Ordered. That the Committee appointed on the 29th, ultimo, to report an estimate of the supplies requisite for the present year, and of the nett produce of the impost as agreed to by the House, b

* See Col. Rec., Vol. XVI., p. 70, 71.

authorised and instructed to collect early and authentic statements of the particular articles of foreign produce and manufactures, annually imported into, and of all the articles exported from the several states, and the value of such imports and exports: also the number of vessels both foreign and domestic entered and cleared during that time, specifying their tonnage, and the nations to which they respectively belong: specifying also, the exact numbers of each particular description of vessels of each nation, and the amount of tonnage of each particular vessel.

Extract from the Journal,

JOHN BECKLEY, clerk.

COMMITTEE OF CONGRESS TO PRES. MIFFLIN, IMPOSTS, 1789.

New York, May 9th, 1789.

Sir,

The House of representatives of the United States being much in want of the information mentioned in the order prefixed in pursuance of their intentions, we request your Excellency to direct the proper statements to be obtained, and transmitted to us, and if they cannot in every respect be conformed to, the order we request the best documents, that can be procured as they will be necessary in forming the important acts of Congress, respecting revenue & commerce.

We have the honor to be Sir

with every Sentiment of respect your

most obedient & very humble Servants

E. GERRY,

W. SMITH,

J. PARKER.

Committee of Representatives.*

Directed,

His Excellency the Governor of Pennsylvania.

ANDREW ELLICOTT TO PRESIDENT MIFFLIN, &C., 1789.

May 7th, 1789.

Gentlemen,

Immediately after I return from N. York, I shall set out to the westward in order to make a survey of the Islands in the Ohio,† and Allegany Rivers, agreeably to a resolve of your Hon'ble Body passed

* See answer, May 28th, p. 585.

† See Vol. X., p. 452.

in January last.—I therefore request that some method may be provided to defray the necessary expenses.

The Reserves of certain Tracts of Land, made by the General Assembly of this State, at their late Session, might have been surveyed at the same time, with but small additional expense: this I made known to Mr. Lukens, who approved of the Plan and frequently assured me that it was his determination, as far as he was concerned, to have the whole executed at the same time, by the same person. Why he altered his opinion with regard to the person, and why he thought proper to add to the expense of Government I cannot pretend to say.

I have the Honor to be
your Hble. Servt.

AND. ELLICOTT.*

Directed,

His Excellency The President, and Supreme Executive Council Pennsylvania.

Cherokee Chiefs to President Mifflin, 1789.

Big highowassee, May the 15th, 1789.

Great & Beloved Brother,

We have thought the time long to see you once more, and smoke the Pipe of friendship together in Peace, the Days have Bin when we were as one People, But times have altered greatly: then you was in Destress, all the Northward Indians & French was at ware with you, then you cold send for us to help you, which we allways did without hezitating, now the Shawneys Lives at home, in Peace, and no person concerning with them, But we are Drove as it were into the Sea we have hardly land sufficiant to stand upon, we are neither fish nor Birds, we cannot live in the water nor in the air; the days have Bin when we was able to use our Brothers, the white People well, but now we are Reduced to the lowest degree of want and Missery By a Set of Bad People, who wants to Drive us into the sea; now Brothers if you can do any thing for our People on their Jorney, or in helping them to fix matters in Congress, so that we may Live in Peace, we will Reward you according to Request.

Our Beloved Brother, whom we have chosen to do our Business at Congress with the beloved men, he can inform you what we want you to do for us, & our Request to Congress We hope the Credit of our State will not Be Less than yours or any others, therefore if you assist our People it will Be Repaid you again, we hope our Request will be granted by Congress; and we may become a power

* See pages 427, 584.

in the Union, as well as the Rest of our brothers. Help our Belov'd Brother, if Possible, & the favour shall not be forgotton By your friends & Brothers the chiefs of the over hill-towns.

In Council assembled at highowassee.

Indorsed,

Letter from the Cherokee Chiefs of Indians.

Directed,

To his Excellency, the Governor of Pennsylvania. Hon'd by Mr. Bennet Balling, Esq'r.

INSTRUCTIONS TO EVAN OWEN—NESCOPEC ROAD, 1789.

To Even Owen.

Agreeably to an Act of General Assembly dated March 27th, 1789, Vesting the Executive Council with powers for appointing a suitable person to open the Remaining part of the road not yet compleated Between the River Susquehanna, at the Falls of Nescopeck and the Lehigh. The President & Supreme Executive Council have therefore thought proper, by virtue of those powers to them granted by said act of Gen'l Assembly to appoint & constitute you Commissioner for that purpose authorising & requiring you Immediately to proceed to the opening of said Remaining part of the above described Road in a proper manner for the accomodating of Travellers, or so much thereof, as the money appropriated for that purpose, will enable you to do; & when Compleated or the money expended, you will produce your accounts accompanied with their proper Vouchers for settlement.

I am, Sir, your very humble servant,

CHARLES BIDDLE,*

Secr'y.

PRES. MIFFLIN TO COMMITTEE OF CONGRESS, 1789.

Philad'a, May 23, 1789.

Gent.,

By the directions of his Excel. the President and the S. E. C., I transmit you statements† of the particular articles of foreign produce and manufactures imported into, and of all the articles

* See Col. Rec., Vol. XVI., pp. 83, 85.

† Not found.

exported from the State from the 1st of Jan'y, 1788, to the 1st of Ja'y, '89 with the number of vessels, both Foreign and Domestic entered and cleared during that time.

Yr. Letter* requesting these documents, was not received by Council before the 16th inst., and no time has been lost since in preparing them.

I have the honor to be,

Gent., yr. most obd't

humble Servant,

CHARLES BIDDLE,

Secr'y.

Directed,

Hon. E. Gerry, Wm. Smith & J. Parker, Committee of H. R. U. S.

REPORT ON CONTROLLERS ACCOUNTS FOR REPAIRS TO MUD ISLAND, 1789.

The Committe to whom was Referred the accompts of John Nicholson, Esq'r, for the Monies paid by him for the Repairs done to the Banks of Mud Island, Beg leave to Report that the sum of Seventy-Eight pounds 2s. 9, paper money as stated in his accompt appears by sufficient Vouchers to have been paid by him for the above purpose.

Therefore Resolved, that an order be drawn on the treasurer in his favour for the above sum.†

RESOLUTIONS OF CONGRESS, 1789.

(Duplicate)

United States of America.

In Senate, June 4th, 1789.

Resolved, That in ten days after the passing of every act of Congress during the present session, or until some other regulation shall be adopted twenty-two printed Copies thereof, signed by the Secretary of the Senate, and Clerk of the House of Representives and certified by them to be true Copies of the original Acts, b

* See page 583.

† See Col. Rec., Vol. XVI., p. 86

lodged with the President of the United States, and that he be requested to cause to be transmitted, two of the said copies so attested as aforesaid to each of the Supreme Executives in the several States.

Extract from the Journal,

SAM. A. OTIS,

Secretary.

In the House of Representives of the United States, the 5th of June, 1789.

The House proceeded to consider the foregoing Resolution: whereupon Resolved, That this House doth concur with the Senate therein.

Extract from the Journal,

JOHN BECKLEY,

Clerk.

CIRCULAR OF PRESIDENT WASHINGTON TO PRES. MIFFLIN, 1789.

(Circular.)

New York, June 8th, 1789.

Sir,

As Congress have not yet established any Departments through which communications can be officially made from the General Government to the Executives of the several States; I do, agreeably to the foregoing Resolution, transmit to your Excellency the enclosed Act, and have the

Honor to be, with due respect,

Your Excellency's most obedient

and most Humble Servant,

G. WASHINGTON.

Directed,

His Excellency, Thomas Mifflin.

Indorsed,

Duplicate copy of a Letter from the President of the United States, inclosing a copy of the Act of Congress to regulate time and manner of administering certain oaths, June 8th, 1789.

* See Col. Rec., Vol. XVI., p. 92, 96.

Report on Accounts of Gens. Butler and Gibson—Erie, 1789.

The Committee to whom was referred the accompts of Genera Butler and General John Gibson, report that your committee are o opinion the charges in the several acts. of six dollars ℔ diem fo services is rather a high charge; but on examining the minutes o Council for the year 1784 and 1785, we find that Messrs. Atlee Johnston and Maclay, who were appointed commissioners fo similar purposes, were, on settlement allowed the same sum ℔ diem exclusive of their expences, and inasmuch as the three Commis sioners, whose accts. are now under consideration hath executed th duties of their said Commission to the full satisfaction of the State and that under circumstances which adds to the merits of the service Your Committee therefore offer the following resolve to wit:

Resolved, that the accompts of the said Richard Butler and o John Gibson, be, as settled by the Comptroller & Register Gen'l b approved.*

Col. John Canan to Vice President Ross—Huntingdon, 1789.

Huntingdon Town, June 10th, 1789.

Sir,

Thomas Duncan Smith,† Esquire's, bad state of Health for a con siderable time past, preventing him in a great measure from doin the duty of a justice of the peace at the Town aforesaid, and th diferent officess to which Andrew Henderson, Esquire, has bee appointed in many instances interfers with his performing the offic of a Justice of the peace, in the said Town of Huntingdon make it requsite that another should be commissioned at that place fo which purpose a division of the Township of Huntingdon has bee made by the Court and forwarded to Council. You may remembe a return of an Election was sent to our Board last January, but fo want of the District not being laid off and approved by Council n Commission would be granted. I hope, sir, as soon as the thre Months expires if Council approve you will have an official accoun sent by the Post to Shipenburg, care of Captain Rippey.

I am, Sir, your most obedient,

& very Humble Servant,

JOHN CANAN.

Directed,

Honorable George Ross, Esquire, Vice President.

* See Col. Rec., Vol. XVI., p. 95.

† See pp. 305—307; also Col. Rec., Vol. XVI., pp. 94, 95.

RECEIVER GENERAL—CITY LOTS, 1789.

Joseph Mercier 14 City Lots, N. 2392 to 2315, inclusive,	£368
Doct'r David Christie 11 Lot N. 2265 to 2275,	825
	£1193

The above Lots are not yet paid for.

FRAS. JOHNSTON, R. G.

Rec'r Gen'l Office,
June 11th, 1789.

STATEMENT OF MONEY DRAWN FOR ERIE, 1789.

Compt. Gen'ls Office, June 11th, 1789.

Sir,

The following draughts have been drawn by your Honble Board on and of the expences of the Purchase of the tract on the southward and Eastward of Lake Erie in Penn'a, lately purchased of the Natives, viz.:

Oct'r 3d, 1788,	Messrs. Butler & Gibson,	£60	0 0
May 13th,	Gibson Bal,	175	19 10
Oct'r 10,	B. Elliott for a Map for Comm'rs,	1	5 0
An order in fav. Wister & Aston, Dec'r 23, 1788	£500 0 00		
Ap'l 24th, 1789,	do., balance, 425 3 10		
		925	3 10
May 13th,	do., J. Gibson in pt. pay per A. Dallas,	96	0 2
		£1258	8 10

I am, Sir, your obed't servt.,

JNO. NICHOLSON.

Directed,

His Excellency, The President, in Council.

* See pages 506, 572; and Col. Rec., XVI., p. 95.

REPORT OF COMMITTEE ON COMPTROLLER GENLS. LETTER—CITY LOTS, 1789.

The Committee to whom was refered the Comptroller Genl's letter respecting some City lots purchased by him some time past Report, That in the opinion of your Committee, Council are not authorized to order money to be returned which has been paid into the public Treasury for City Lots purchased by Individuals, and as the Comptroller Genl. purchased the lots refered to without any directions of this board, he must have done it in his private capacity, and therefore is equally intitled with any other person to hold said lots, and therefore offer the following Resolution.

Resolved, that John Nicholson Esq., is entitled to receive Patents. or deeds for all the City Lots he hath purchased and paid for.*

CAPT. W. FERGUSON TO PRES. MIFFLIN, 1789.

To his Excellency Thomas Mifflin, Esquire and the Honorable the Supreme Executive Council.

Gentlemen,

I have now recruited upwards of fifty soldiers as Part of the Pennsylvania Quota of troops, and now request that an order may be drawn in my favor for fifty dollars on the Treasury on the same principle that Cap. Zigler recd. a dollar ℔ man for his Recruits last year.

I am gentlemen,
your most obedient Humble Servt.
W. FERGUSON,
Cap. Artly. 1st U. States, Regt.

DELEGATES IN CONGRESS TO PRES. MIFFLIN—JUDICIAL COURTS, 1789.

New York, Jany. 16th, 1789.

Sir,

We embrace the first opportunity to transmit a copy of the Bill to Establish the Judicial Courts of the United States,† as the same stands reported to the Senate by a committee appointed for that purpose. This bill will come under consideration in the course o

* See Col. Rec., Vol. XVI., 94.
† Not found.

next week, and will probably occasion much discussion & debate. Should your Excellency & the Supreme Executive Council honor us with any observations on this bill, they shall be treated with all possible attention and respect by your Excellency's,

most obedient and humble servants,

WM. MACLAY,
ROBT. MORRIS.*

Directed,

His Excellency, The President & Supreme Executive Council of Pennsylvania.

Indorsed,

[Read in Council 1st time, June 20th, 1789.]

SECRETARY BIDDLE TO PROTHONOTARIES, 1789.

Secretary's office,
Philadelphia, June, 17th, 1789,

Sir,

By directions of the S. E. Council, I transmit you six Copies of the act of Congress, entitled an act directing the time & manner of administering certain oaths,† which you are required to promulgate for the information of all persons within your County.

I am Sir,
your obedient and,
very humble servant,
CHARLES BIDDLE, Secy.

GEN. RICHARD BUTLER TO PRES. MIFFLIN—ERIE, 1789.

Philada., June, 17th, 1789.

Sir,

Having laid before your Excellency & the Hon'ble the Executive Council of the Commonwealth of Pennsylva. the Treaty made with the Indians & this deed of sale for the Lake Erie Tract of land which Gen. Gibson & myself were directed by your Hon'ble board to purchase, together with the accounts of the whole Expenditures necessarily incurred in transacting said business, also the accounts of Gen. Gibson and myself respectively for our services & Expenses as Commissioners all which hath been approved—and although the greatest

* See Col. Rec., Vol. XVI., p. 100.
† See page, 587.

economy was used by us for the Interest of the State, the sum appropriated for said service hath been Expended, yet we have done the business & borne our own Expenses, not doubting we would be immediately reimbursed & paid for our services. I therefore beg leave to inform your Excellency that we need the money, and conceiving that the commonwealth of Pennsylva. would certainly not delay the payment for services which have been rendered, I hope to her satisfaction, I had made arrangements which would make it particularly inconvenient for me to lie out of the money—I therefore pray that agreeable to the Act of the 13, of April 1782. your Hon'ble board will be pleased to draw an order on the State Treasurer for the respective debts due by the commonwealth to Gen. Gibson & myself.

I have the honor to be
your Excellency's most
obedient Humble Servant
RICHD. BUTLER.*

P. S. Should there not be money in the Treasury our immediate purposes may be answer'd by having the orders.

Directed,
His Excellency the President of the State of Pennsylvania.

DAVID REDICK TO PRES. MIFFLIN, 1789.

Susquehana, June 21st, 1789.

Sir,

The enclosed letter was put into my hands this moment by the bearer. who is immediately from Pittsburgh. The subject will not be unfamiliar to you as the return of the election is before you, from this letter ye Board will perhaps be of opinion that neither of the Townships are entitled to justices of the peace until a recommendation of the Court shall be filed in the Secy's office three months &c Robinson Township was formerly a district for a justice, but a large part of it is now in Allegania County, and Mr. Justice Scott who was a Washington County justice is still a Justice in Allegania, being situate within that part of Robinson Township now called Moon Township in Allegania County. I forward it for such uses as Council may make of it. Mr. McDonald is a man of good fame.

I have the honor to be Sir
your most obedient Servant
DAVID REDICK.

Please present my Compl's to Mr. Reed and my other friends in Council.

Directed,
His Excellency Thomas Mifflin, Esq., Philadelphia.

* See pages 405, 427, 529, 562, 589.

Sec'y Biddle to County Commissioners, 1789.

July 2, 1789.

Gent'n,

The great neglect in Collecting the State Taxes has furnish'd just cause of complaint to the Public Creditors who cannot receive their Interest & is the Occasion of the paper medium being so much depreciated—Council therefore direct you immediately to take the most Vigorous & effectual measures for the Collection of the Public Taxes in your County and to inform them of your Proceedings without delay.

I am Gentlemen,

your obedient and very

humble Servant,

CHARLES BIDDLE, Sec'y.

Directed,

To the Commissioners of the several Counties.

Jon'a Hart to John Adlum, 1789.

Fort Franklin, 14th July, 1789.

Sir,

I have to acknowledge your attention in acquainting me with the Resolutions of the General Assembly of the Commonwealth of Pennsylvania, respecting the reserv'd Tract at the mouth of French Creek, &c.

In the report of your proceedings perhaps you may think it proper to remark that a considerable part of the Lands fit for Cultivation in that part of said Tract which lies on the West side of French Creek is under actual improvements.

To prevent any suspicions of an intention to oppose Civil Authorities or conduct improperly respecting said Tract it may be necessary for me to state the Principles on which these settlements were made & to assign the reasons why they are still carried on.

In October last, I made representation to a Member of the Hon'ble the Executive Council, that there was a small Tract of Land at the mouth of French Creek which I wished to take up & would make actual Settlement provided I could have the preemption, when an office should be open for the sale of those Lands & proposed to remove some families in the Spring on the said tract—Circumstances made it necessary for me to return before the Assembly had decided on my request, however I was persuaded a preference

would be given to actual Settlements, therefore removed one Family with me & made arrangements for two more to follow some time this summer, for the purpose of making improvements on the s'd Tract Some time after my arrival at this place, was informed the Gen'l Assembly had rejected the Request—but in the proceedings of the House it was observed a motion had been made for granting a pre-emption Right to actual Settlements—and it was the opinion in general s'd Motion would pass into a Law—it was then too late to remove to any other Situation this Season & not having an idea any Person could recommend this Tract as suitable for a Reserve & being persuaded a preference would be given to actual Settlements, the Family still continued to make improvements—as one Family is now on the Lands two others expected this Fall and as preparations have been making for their reception here previous to any knowledge of this being a reserved tract, I presume it will not be construed into an opposition to the Civil Authority or making Settlements contrary to their directions, should the improvements be still carried on, relying on the Justice & Equity of the Commonwealth & the known preference which has ever been given to actual Settlements, that when ever said reserved Tract shall be sold (for it never will be laid out into a Town) the actual Setlers may have a preference of Purchase.

Thus I have stated the Principles on which these Settlements were first made & the reasons why they are still making and beg you will make such use of them as you may Judge the case to require.

Before I close give me leave to assure you I am happy in giving every assistance in my power for carrying the Resolutions of the Commonwealth into Execution & in prosecuting the Present Business beg you will accept the assurance that every thing in my Power is at your command.

I am with Sentiments of Esteem Sir,

your most ob't & humb'l Serv't,

JON'A HART.

Directed,

To Mr. John Adlum.

Sam'l Caldwell To Pres. Mifflin, 1789.

To his Excellency the President, and the Supreme Executive Council, of the Commonwealth of Pennsylvania.

The Memorial of Samuel Caldwell, Tonnage-Officer of the Port of Philadelphia,

Respectfully sheweth—

That, your Memorialist has understood, other Officers in the Collection of the Commercial Duties, for the State of Pennsylvania, have applied for, and obtained, Certificates of the due execution of

tiher offices, in order to assist their application for the same, under the General Government of the United States.

That with the same views, and under an honest impression, that his Office has been executed with equal fidelity, and punctuality, your Memorialist is induced to request the same favor and earnestly prays, his Excellency the President, and the Honorable the Council, to grant him a certificate of their approbation of his conduct in the execution of the Office of Collector of the Tonnage Duties for this Port.

And your Memorialist will ever pray, &c.,

SAM'L CALDWELL.

17th July,1789.

THOMAS FITZSIMONS TO PRES. MIFFLIN, 1789

New York, 21 July, 1789.

Sir,

I have been applyd to by a broker of this place on a business that concerns the State of Pennsylva. and which, I apprehend, Council ought to be informed of.

He produced to me a power attorney of the Comptr. General authorizing the bearer to receive at the treasury of the U. S. certain certificates therein enumerated, but upon application, there no such certificates could be obtained, this led him to make application to me, and I accompany'd him to the treasury where I found, that the State had Credit on the books of the funded debt of the U. S. for 85,116 $\frac{52}{90}$ dollars, and that according to the Established rules, there the State was intitled to warrant for that sum,—in the case of individuals, such warrants, may be transferred by power of attorney but in all such cases the original warrant is delivered up, if a part only is transferred a new warrant Issues for the ballance. In the Case of a State however, the officers appear to think that no transfer can be made without an act of the State to warrant it; if there is any such act in Pennsylva. a Copy of it must be lodged at the treasury, and some other mode than that adopted by the Comptr. must be settled with the officers for making those transfers; it would be highly inconvenient to be obliged to Issue a new warrant to the state every time a transfer was made for any part of this sum, but if there is not a legislative act, it cannot be made under any modification. I have no doubt an arrangement could be made with the officers, for certificates in possession of the State, which would very much facilitate a return to the holders of Pennsylva. securitys agreeable to the late act. I beg leave to add that if my agency in that or any other business which concerns the State, can be usefull you may command my service.

Congress have under Consideration a report to provide for compleating the survey of the tract of land purchased of the U. S. if carry'd into effect, I will do myself the pleasure of informing you.

I have the honor to be,

sir, your mo. hble servt.

THOS. FITZSIMONS.*

Directed,

Thomas Mifflin, Esq., President, T. Fitzsimons, Pennsylvania.

Indorsed,

Read in Council, July 27th, 1789, 1st time, Col. Miles, Col. Smith, Dr. Grey.

PRESIDENT WASHINGTON TO PRES. MIFFLIN, 1789.

Duplicate,

New York, 23rd July, 1789.

Sir,

Agreeably to the Resolution of Congress of the 5th of June, I do myself the honor to transmit to your Excellency an act imposing Duties on Tonnage.

I have the Honor to be,

with due consideration your Excellency's

most obedient & most Humble servt

GO. WASHINGTON.†

P. S. Your Excellency will please to acknowledge the receipt of the several acts which may be transmitted to you.

Directed,

His Excellency, Thomas Mifflin.

RECOMMENDATION OF A JUDGE AT READING, 1789.

Reading, July 31st, 1789.

Sir,

The Death of our late worthy President of the Court of Common Pleas of this County, and the near approach of our Time, will, we hope, excuse our requesting that you would be so good as to lay before Council the necessity of a speedy appointment to that office.

From the frequent meeting of the Courts, and the late alteration

* See Col. Rec., Vol. XVI., p. 119, 127.

† See Col. Rec., Vol. XVI., p. 112.

of the Law, respecting the acknowledgment of Deeds (which requires almost constant attendance,) it must, we think, be evident to Council that the President ought to be one who resides in the County Town. We therefore beg leave to suggest that the appointment of James Diemer Esquire,* an upright and experienced magistrate, and an old Inhabitant of this Place, would be particularly agreeable to the Bar, and we believe to the County at large.

We have the Honor to be,

with much Respect & Esteem,

your Excellency's most obed. hble servts

DAN. CLYMER,
COLLINSON READ,
MARKS JNO. BIDDLE,
V. HUBLEY,
GEO. ECKERT,
JAS. SCULL,
JNO. SPAYD.

Directed,

His Excellency Thomas Mifflin Esq.,

Queries by Collector Delany respecting Duties, 1789.

The Act passed Sept. 25, 1783, in the 7th Section limits the continuation of duties or Imposts, "untill that part of the resolve of Congress of April 18th, 1783, be acceded to by each and every of the thirteen United States, & from thence to the End of the next sitting of the Assembly and no longer."

By the Act of March 15th, 1784, an additional duty is laid of 1½ pr. Ct., without limitation.

The duties arising by the Act passed Sept. 20, 1785, has a limitation in Sec. 3d, referring to the 2½ pr. Cent arising by the former acts; but being general in the reference, it may be doubtful whether it repeals the Act of March 15th, 1784.

The duties arising by the Act of Dec. 24, 1785, are, as to limitation, the same as the last mentioned.

The duties of Tonage arising by the Act passed April 8th, 1786, are without limitation.

The duties to be paid by virtue of the Act passed March 15, 1787, have the same limitation as those of September 15th, 1785.

How far the above acts may be superseded by the Impost Law of the United States passed , is necessary to have decided by

* See Col. Rec., Vol. XVI., p. 125. He was appointed.

the Honorable Council, or to have such directions as they may please to give; because it may very materially affect the commercial Interest of this state, as all imposts arising are, by the Constitution of the Union, to pass into their Treasury.

The Acts for allowing Drawbacks, passed Sepr. 25, 1783—April 2, 1785, & March 15, 1787, regulate the manner, &c., of obtaining them: considerable quantities of goods are now entitled to such Drawbacks, and the many advantages such goods will have over the like goods imported under the duties of the Union, will no doubt induce many to apply, and in much greater proportion than heretofore when duties were payable in the separate States. A Question here naturally arises whether such should be allowed, and as the determination will be of considerable consequence, the directions of your honorable board will appear necessary.

A Determination on the following Questions will direct me in the Execution of my Office.

Whether the whole, or what part, of our Impost Laws, are repealed by the late Law of the United States imposing Duties?

Whether Our Citizens are intitled to Drawbacks—admitting that our Import Laws are superseded by the Act of the United States?*

Indorsed,—Mr. Delany's Queries to Council Relative to States' imposts, August, 1789.

HON. ELBRIDGE GERRY TO SEC'Y BIDDLE, 1789.

New York, 3d August, 1789.

Sir,

I am desired by the Committee appointed by the House of Representatives of the United States to collect early and authentic statements of the imports and exports, with the value thereof, and of the number of foreign and domestic Vessels, with their respective tonnage annually entered and cleared in the several States, to acknowledge the receipt of your letter of the 2d day of May last with the inclosures, and in their behalf, to thank you for your attention to the subjects mentioned.

I have the honor to be, sir, with esteem and respect,

Your most obedient and very humble servant,

E. GERRY.*

Directed,

On public service.

The Honourable Charles Biddle, Esquire, Secretary of the State of Pennsylvania.

* See Col. Rec., Vol. XVI., pp. 124, 127.
† See page 601.

PRES. WASHINGTON TO PRES. MIFFLIN, 1789.

Duplicate.

New York, August 4th, 1789.

Sir,

Agreeably to the Resolution of Congress of the 5th June, I do myself the honor to enclose to your Excellency an Act* to regulate the Collection of the Duties imposed by Law on the Tonnage of Ships or Vessels, and on Goods, Wares, and Merchandizes imported into the United States.

I have the honor to be,
With due consideration,
Your Excellency's most Obt.
& most Humble Serv't,
G° WASHINGTON.

His Excellency Thomas Mifflin.

PRES. WASHINGTON TO PRES. MIFFLIN, 1789.

Duplicate.

New York, August 4th, 1789.

Sir,

Agreeably to the Resolution of Congress of the 5th of June, I do myself the honor to transmit to your Excellency an Act for establishing an Executive Department, to be denominated the Department of Foreign Affairs.

I have the Honor to be,
With due consideration,
Your Excellency's most Obedient
& most Humble Serv't,
G° WASHINGTON.

His Excellency Thomas Mifflin.

* Not found—See Col. Rec., Vol. XVI., page 127.
† See Col. Rec., Vol. XVI., p. 126.

COPY OF GOV. RANDOLPH'S LETTER TO CONGRESS, 1789.

Richmond, August 5th, 1789.

Sir,

Two Chiefs of the Cherokee nation of Indians arrived here a few days ago, accompanied by a Mr. Bennet Ballew, who has full power from a number of Towns to lay before you their Grievances and to make some proposals which may eventually preserve harmony between the Citizens of the United States and the Indians, and perhaps be productive of considerable advantages to both parties. It is at the particular request of these unfortunate people that I introduce them to you.

They appear to me to have been much oppressed; should you view them in this light, your well known regard to public as well as private justice, will insure to them every exertion of your power in their behalf. I am unacquainted with Mr. Ballew, But I think I owe it to him to inform you that he is strongly recommended to me by the Honorable William Fleming as an honest, upright, intelligent man.

I have the Honour, &c.

Indorsed,—Copy of Gov. Randolph's letter to Congress.

PRES. MIFFLIN TO PRES. WASHINGTON, 1789.

In Council,
Philadelphia, August 5th, 1789.

Sir,

I have the honor of acknowledging the receipt of your Excellency's several Letters of the eight of June, & the ninth, twenty-third and thirtieth of July last, enclosing the Acts of Congress, undermentioned, viz.:

An Act to regulate the time and manner of administering certain oaths.

An Act for laying a duty on Goods, Wares and Merchandize imported into the United States.

An Act imposing duties on Tonnage; and An Act for establishing an Executive department to be denominated the department of Foreign affairs. All which will be transmitted by Council to the General Assembly at the ensuing Session.

With the highest respect,
I have the honor to be,
Your Excellency's most
obedient and very
humble Servant,

Directed, THOMAS MIFFLIN.*

His Excellency the President of the United States.

* See Col. Rec., Vol. XVI., p. 126.

Pres. Mifflin to Pres. Washington, 1789.

In Council, 7 August, 1789.

Sir,

I have the honor of acknowledging the Receipt of your Excellency's Letter of August 4, 1789, enclosing an act of Congress to regulate the Collection of the Duties imposed by Law on the Tonnage of ships or vessels and on goods, wares & merchandises imported into the United States.*

With the highest respect, I have
the honor to be, Your Excell'y
most obed. & most h'b Servt.

Answer of Judges on Collector Delany's Questions, 1789.

Questions proposed by His Excellency the President, and the Honorable The Supreme Executive Council to the Judges of the Supreme Court and the Attorney General of Pennsylvania.†

First, Whether the whole, or any, and what parts of the Acts of the State for raising a revenue by imposts or duties on goods, wares and Merchandizes imported into the said State are repealed or ceased to have a legal operation by the act of Congress intitled an act for laying a duty on goods, wares & merchandize imported into the United States?

Second, Whether the Merchants or persons, who have imported goods, wares and Merchandize into the said state and duly entered, the same during the operation of the State impost laws, can now be allowed the drawback or return of the duties by them paid or secured to be paid upon their exporting the same out of the said state, agreeably to the provisions made by the said acts of Assembly?

In answer to the first question, we conceive that all the acts and parts of acts of Assembly of the State of Pennsylvania, so far as they authorize or require imposts or duties to be paid to the use of the Commonwealth upon goods, wares and merchandize imported within the said State, have ceased to have any legal operation or binding force.

To the second question, As the authority and powers of the Collector and Naval officer of the State of Pennsylvania have ceased with respect to any future act to be done by them as such, it appears to us, that no drawback or return of the duties paid or secured to be paid, can be made to the Merchants or persons who may propose

* See Col. Rec., Vol. XVI., p. 127.
† See page 597.

to export the goods &c., agreeably to the provisions made by the said acts of Assembly, within the aid of the Legislature.

THO. McKEAN,
GEO. BRYAN,
JACOB RUSH,
WM. BRADFORD, Jun.

Philad'a, August 7, 1789.

PRES. MIFFLIN TO COLLECTOR DELANY, 1789.

In Council, August 8, 1789.

Sir,

The questions* proposed by you on Friday last, to Council relative to your Duty as State Collector for the Port of Philad'a, were immediately submitted to the Judges & Attorney Gen'l, for their opinion; which they have accordingly given in writing; and which I have the honor of enclosing to you as coincedent with the opinion of Council on the subject.

With great Respect & Esteem,
your obd't & H. Sv.,
THOMAS MIFFLIN.

Directed,
Sharp Delany, Esq., Collector of Imposts.

PRES. WASHINGTON TO PRES. MIFFLIN, 1789.

In Council,
Philadelphia August 12th, 1789.

Sir,

I have the honor of acknowledging the Receipt of your Excellency's letter of August 1789, enclosing An Act of Congress settling the account between the United States and individual States passed the fifth instant.†

I have the Honor to be with the
Highest respect your Excellency's most
obedient and very humble Servant
THOMAS MIFFLIN

Directed,
His Excellency the President of the United States.

* See page 597. Also Col. Rec., Vol. XVI., pp. 124, 127.
† See Col. Rec., Vol. XVI., p. 131.

COMMISSIONERS OF TAXES NORTHAMPTON CO. TO PRES. MIFFLIN, 1789.

Gentlemen,

Your Circular Letter of July 2nd, 1789. was duly rec'd. by the Commissioners of Northampton County, who have given their utmost attention to the Commands of Council on the subject of the Collection of Taxes—We have Issued our Orders to the Treasurer of the County requiring him to proceed against every delinquent Collector without Exception or Hesitation, and the Treasurer has reported that in pursuance of this Requsition of the Commisioners, he has already wrote to those who are in arrears calling upon them for Immediate payment, and announcing his Intention to put the Laws in Execution against Defaulters, this is all that the act of 1786, have left in the power of the Commissioners, we hope that these measures may effectuate the wish of Council.

We have further to report that the Collection of the Taxes in the Townships north of the Kittatinny Mountain has become a matter of Extreme Difficulty, that the Collectors who had made Seizures before the year 1786, on which the inhabitants of said Townships had Petitioned to Councill for Remedy, and whereupon Council have send a letter to the Com's dated Jany. 24th, 1789, directing that the prosecution be stayed, which has delayed the Collection of said Taxes, and now the said Collectors are and have been exposeing the Goods and Chattles of Defaulters to sale agreeably to Law but without any effect; as they cannot in one Instance find Bidders—We apprehend this might be remedied if the Goods distrained could lawfully be removed, out of the Townships, and we wish the direction of Council herein.

We would also inform Council that we have proceeded against the Collectors of the Taxes in this County from the year 1781, to 1785, & find that some are totally lost as well from the Collectors at that time appointed as from the Taxable persons—this we conceive was owing to the heavy Taxes then laid & the indulgence given by the Commissioners who where not willing to distress the people.

We are with due respect,

Gentlemen, your most obedient

and very Humble Serv'ts

JACOB WEYGAND.
SIMON DREISBACH.
MICHAEL SHNYDER.

Easton 12th, Aug. 1789.

Directed,

His Excellency Thomas Mifflin Esquire, President, and the Supream Executive Council.

Indorsed—Received and read, August 19th, 1789.

PRES. MIFFLIN TO PRES. WASHINGTON, 1789.

In Council,
Philadelphia, August 14th, 1789.

Sir,

I have the honor of acknowledging the receipt of your Excellency's letter of the 11th instant, enclosing the following Acts of Congress, viz.: An Act to provide for the government of the Territory North-West of the River Ohio. An Act for the establishment and support of Light Houses, Beacons, Buoys and Public Piers.* An Act to establish an Executive department of War; and also the duplicate of an Act for settling the accounts between the United States and Individual States.

With the highest respect,
I have the honor to be, your
Excellency's most obedient
and most humble Servant,
THOMAS MIFFLIN,

Directed,
His Excellency, The President of the United States.

HILARY BAKER TO SEC'Y BIDDLE—TAVERN LICENCES, 1789.

Philad'a, 20th August, 1789.

Sir,

In obedience to the Request of the Honorable Supreme Executive Council, I herewith transmit a List of the Inn and Tavernkeepers, in Philadelphia County.† I have to apologize for not furnishing this List before now. The former Order happened to be accidentally put among some other Papers and laid by; by which means it escaped my memory. I hope, however, it is now timely enough to answer the intended Purpose.

I have the honor to be,
very respectfully, Sir,
your most obedient servant,
HILARY BAKER.

Directed,
Hon'ble Charles Biddle, Esq'r.

* See Col. Rec., Vol. XVI. p. 133.
† Not found.

Pres. Mifflin to Pres. Washington, 1789.

In Council,

Philadelphia, August 26th, 1789.

Sir,

I have the honor of transmitting to you to be laid before the Gen'l Assembly a letter from His Ex'y., the P. of the U. S., of Aug. 24th, with an Act of the Congress of the Unit. States, passed Aug. 20th, 1789, entitled "An Act providing for the Expenses "which may attend Negotiations or Treaties with the Indian Tribes, "and the appointment of Commissioners for managing the same."*

I have the honor to be,

With great Respect, your

most obedient and

most humble Servt.,

THOMAS MIFFLIN.

Directed,

Honorable Richard Peters, Esq'r, Speaker of the General Assembly.

Return of the 3d. Battalion Militia, of Cumberland Co., 1789.

Return of the Captains and Subalterns of the 3d Battallion Militia of Cumberland County, commanded by Lieut. Col., Robert Culbertson, Esq'r.

1st. Co.
- Captn. Robt. Quigley,
- Lieut. James McClane,
- Ensign Joseph Shannon.

2nd. Co.
- Captain Samuel Finton,
- Lieut. James Bogal,
- Ensign William Marshall.

3d. Co.
- Captain John McGuffin,
- Lieut. William Willson,
- Ensign Wm. Worth.

4th. Co.
- Captain Alex. Peoples,
- Lieut. Robert Caldwell,
- Ensign James McCawl.

* See Col. Rec., Vol. XVI., pp. 141, 142.

5th. Co.	Captain James Brown, Lieut. John McCurdy, Ensign Thomas Johnstone.
6th. Co.	Captain John Campble, Lieut. Conrad Beemer, Ensign Jacob Millison.
7th. Co.	Captain Robert Lusk, Lieut. James Stuart, Ensign Brice John Stanet.
8th. Co.	Captain Samuel Barr, Lieut. David Simral, Ensign James Sharp.

Agreeably to return made to me by Lieut. Col. Robert Culbertson,

GEO. GIBSON.

4th June, 1789.

—

Sir,

Be pleased to forward the Commissions for the Captains & Subalterns of the 3d Batt'n Militia of Cumb'd Co., agreeably to the enclosed list, which I received this day fram Col. Culbertson.

I have the honor to be, with
the greatest respect, Sir,
your most obedt. Servt.,

GEO. GIBSON.

4th June, 1789.

(Copy.)

Directed,

Honble Charles Biddle, Esq.

—

GEORGE GIBSON TO SEC'Y BIDDLE, 1789.

Carlisle 21st Aug't, 1789.

Sir,

I beg you will please to forward the Commis's' aluded to in the above by first conveyance.

I am, with the greatest Esteem,
Sir, Your Humble servant,

GEO. GIBSON.*

Directed,

Honble Charles Biddle, Esq.

Indorsed,

Read in Council Sept'r 4th, and Com's to issue, Com's dated May 1st, 1789, made out and ex'd.

* See Col. Rec., Vol. XVI., p. 149.

Daniel Hiester, Jr., to Pres. Mifflin, 1789.

New York, Aug. 28th, 1789.

Sir,

Yesterday Mr. Scott brought on the Subject of a permanent seat of Government, he moved a resolution the substance of which with the debates on it, is contained in the enclosed paper—We had a crowded Gallery, but the people here were much alarmed, they expected it would end in the previous question, that was not called for, and there was but 21 votes for postponing of it, 28 voted to make it the Order of the day. The bill for regulating the coasting trade will be finished very shortly the amendments of the Senate to it, were agreed to in our House yesterday.

I am with the Highest Esteem

your Excellency's Humble Servant

DANL. HIESTER, Jr.

Directed,

His Excellency, Thomas Mifflin Esquire, Philadelphia.

Error in Warrants to German Lutheran Congregation, Philadelphia, 1789.

To His Excellency Thomas Mifflin Esq., President, and the Supreme Executive of the Commonwealth of Pennsylvania.

I beg leave to lay before you ten Warrants for Lands in the new purchase which were applied for by Samuel Maclay Esq., in behalf of the Corporation of the Ministers, Vestryman, & Wardens of the German Lutheran Congregation in & near the City of Philadelphia pursuant to an Act of Assembly passed the 14th, Day of February last. Which Warrants Mr. McClay, being desirous of having with him brought a Law to the office (before the Laws were printed of last Session) which appears to be One published for Consideration for granting a Quantity of Land to the Ministers, Elders, & Deacons of the German Reformed Congregation by which means those Warrants were erroneously issued that Law not being yet passed—I humbly request the Direction of your Hon'ble Board either for cancelling the said Warrants & issuing new Warrants or for making such alterations in the same or in such other mode for the rectifying the said Error as may be judged best.

I am your most obed't hble. Servt.

DAVID KENNEDY.

Sept. 3rd, 1789.

Indorsed—Representation of Gen. Kennedy, Secy. of the Land office.

* Col. Rec., Vol. XVI., p. 149.

Copy of Proceedings at Lancaster, on opening Conewaga Falls, 1789.

Lancaster, September 5th 1789.

Sir,

At a late Meeting of a number of the Inhabitants of this Borough at the Court House, The removal of the Obstructions in the River Susquehannah, was particularly taken into Consideration. The greatest difficulty in the navigation of that River arises from the Conewaga Falls. It appeared by the report of six Gentlemen who had been appointed to view those Falls, that the same might be conveniently cleared so as to effect a good navigation for boats of Burthen up and down the River as low as Wrights Ferry. The advantages resulting to the Community at Large and more immediately to the Back Country, from facilitating the Transportation of Produce and Merchandize of all kinds by water, are too evident to need any enumeration; it was therefore resolved by the Meeting, that a Subscription should immediately be opened, and that the Monies arising therefrom should be paid into the Hands of such Persons as may hereafter be appointed for that purpose; Permit us to solicit your Co-operation in this Work, if the measure strikes your Judgment in the same light with ourselves; it appeared to us an object of Magnitude and Public utility. We have no difficulty in believing that Considerable sums of Money will be chearfully subscribed, as well in Philadelphia as in many other Parts of the Country for the Improvement of the Navigation of Susquehanna as far as Wrights Ferry. The Lesser Falls as Berrys, Hunters, &c., might be cleared at an inconsiderable expence.

The first step to be pursued is the fixing on men of Integrity and activity to collect Subscriptions in different Parts of the Country. On this Head we must beg your Sentiments and those of your Neighbourhood who are desirous of Promoting this Undertaking. The appointment of proper Characters to superintend the expenditure of the Money collected is of Considerable consequence, a proper system must be adopted, formed on full reflection and a free Communication of opinions, aided by the advice of persons intelligent in Matters of this Nature. To begin right is the most probable Mode of insuring success to the undertaking. We would therefore Venture to propose in the first Instance that a conference should be held, to meet at the House of Mr. Arch'd McAllister in Paxton Township, Dauphin County, to meet Persons appointed from this Borough, on Monday, the 19th Day of October next, at 9 o'clock in the morning. You are particularly requested to attend on that Day, that this important Subject may fully be deliberated on.

It is at the same time our opinion and request, that you should call a Meeting in your Neighbourhood in order to form some Idea of the Subscriptions we may have a right to expect. If this is done

it will enable us to Judge from all quarters up the Susquehanna, Juniata, &c. How much the amount of our Subscriptions may be and what we may depend upon; it is also our Idea that the raising of money by subscription in many parts of the Country will be attended with great difficulty as Cash is so very scarce, therefore if the subscription is opened for Money, Wheat, Rye, Indian Corn & Boards, and care taken to have duly Collected what may be subscribed and be delivered in Proper Stores to receive the same, it will not fall so hard on the people at Large, and they will subscribe with more Cheerfulness and liberality, When there is a quantity of Produce Collected worth sending down the River the same may be forwarded to such Persons as shall be hereafter appointed to receive the same, and be disposed of to the best advantage, and the monies arising from such sales be paid into the Hands of the Treasurer who is to be appointed at our general meeting.

With much respect we are

Sir, your most obedient and
very Humble Servants,

Seb. Graff, John Hubley,
Jacob Krugh, Paul Zantzinger,
John Miller, Adam Reigart.
Jasper Yeates,

A list of letters sent to the following gentlemen for the purpose of Opening the Conewago Falls, &c., in the river of Susquehanna by the Committee of Correspondence chosen for that Purpose, at a meeting held in the Borough of Lancaster, August 17th, 1789.

LANCASTER COUNTY.

Sam'l Wright, } Hempfield Township.
Maj'r Thos, Boude, }

Bartram Galbreath, }
Alex'r Lowry, Esq, } Donegal Township.
John Haldeman, }

DAUPHIN COUNTY.

Arch'd McAlister, Paxton Township.

Martin Weaver, Esq., Upper Paxton Do.

NORTHUMBERLAND COUNTY.

John White, Esqr., } Maghanoy.
Sam'l Wiser, Esqr., } Do.

Anthony Seely, Esqr.,
Simon Snyder, Esqr.,
Robert Barber,
And'w Stroub,
And'w Gregg,
Albright Swinefort, } All of Penns & Middle Creek Valley.

Charles Smith, Esqr.,
Martin Withington, Esqr.,
Christ'n Gettig, Esqr.,
Wm. Wilson, Esqr., } Of the Town of Sunberry.

Izaiah Hains,
Maj'r Boyd,
James Hepburn, } Of the Town of Northumberland.

Gen'l James Potter,
Wm. Montgomery, Esq., } Mahoning.

Sam'l McClay, Esqr.,
Wm. Irwine, Esqr., } Of Buffolo Township.

Walter Clark, Esqr.,	Of White Deer Township.	
John Lytle,	Of Turbet	Do.
Robert Robb, Esqr.,	Of Muncey	Do.
Rob't Fleming, Esqr.,	Of Bald Eagle	Do.
Evan Evans, Esqr.,	Of Wyoming	Do.

On the River of Juniatta.

John Harris, Esqr.,	In Fermaugh Township.
Thomas Wilson,	In Tuscarora Valley.
John Steward, Esqr.,	Do. Do.
Wm. Brown, Esqr.,	Kishecacolas Valley.
John Oliver, Esqr.,	In Derry Township.
Geo. Patterson,	In Fermanaugh Do.
David Bole, Esqr.,	In Greenwood Do.
David Miller,	At the Ferry at Fermanaugh.
Genl. Watt,	In Rye Township.

Huntington County.

Benj'n Elliot, Esqr.,
David McMuttry, } In the Town of Huntingdon.

John Cannon Esqr.,	Near Huntingdon.
Robert Galbreath, Esqr.,	Shirly Township.
David Steward, Esqr.,	Tyrone Do.
William Phillips,	Woodbury Do.
Capt. Jno. Holliday,	Franks Town Do.

BETWEEN CARLISLE & SUSQ'A, CUMB'D COUNTY.

And'w Galbreath	On Conedeguinet.
Maj'r Alex'r Parker,	Do.
James R. Reed, Esqr.,	Do.
Wm. Chambers, Esqr.,	Near Carlisle,
Robt Whitehill, Esqr., Adam Weaver	Near Yellow Britches.

PRES. WASHINGTON TO PRES. MIFFLIN, 1789.

United States, September 7th, 1789.

Sir,

I do myself the honor to transmit to your Excellency an Act to establish the Treasury Department—An Act for registering and clearing Vessels, regulating the coasting trade, and for other purposes—and likewise the duplicate of a resolution of Congress for carrying into effect a survey directed to be made by an act of the late Congress —and requesting the President of the United States to appoint a proper person to complete the same.

I have the honor to be,

with due consideration your
Excellency's most obed't Servant

G°. WASHINGTON.

Directed,

His Excellency Thomas Mifflin.

SUPERVISORS OF SOUTHWARK—PHILADELPHIA—REGULATION OF WATER COURSES, 1789.

To His Excellency the President and the Supreme Executive Council of the Commonwealth of Pennsylvania.

The request of the Supervisors of the district of Southwark Humbly Sheweth.

That a Regulation of the desent of the water Courses, And bounds of the Streets, lanes, and alleys of the same are become highly Needful for the further improvements of the said district.

We therefore pray to have the use of one of the drafts of sd. dis-

* See Col. Rec., Vol. XVI., p. 154.

trict made by Mr. Hills (at the cost of sd. district) and the lone of the State Levelling Instrument for the purposes afforesaid. Which if granted will be Gratefully acknowledged and perticular care taken of by

Your Hon'rs Humble Servants

SAM'L. CHURCH,
WILL'M Mc.MULLIN,
JOHN CORNISH.

Seventh of Septr. 1789.

ANDREW ELLICOTT TO PRES. MIFFLIN—ERIE, 1789.

Philadelphia, Sept. 11th, 1789.

Sir,

In executing the Survey to be made on Lake Erie, I shall stand in need of two Surveying Instruments, and a small Quadrant, the property of this Commonwealth: If they should not be otherwise engaged, I shall esteem it a particular favour to have the loan of them, on the above occasion.

I have the honor to be,

Your Excellency's Hb'l Servt.,

ANDREW ELLICOTT.†

Directed,

To His Excellency, The President, of the Supreme Executive Council, Pennsylvania.

RESOLUTION OF CONGRESS—SUPPORT OF PUBLIC CREDIT, 1789.

In the House of Representives of the United States.

Monday the 21st of September, 1789.

The House proceeded to consider the report which lay on the table from the Committee, to whom was referred the memorial and petition of the public Creditors of Pennsylvania: Whereupon,

Resolved, that this House Consider an adequate provision for the support of the public credit, as a matter of high importance to the national honor and prosperity.

Resolved, that the Secretary of the Treasury be directed to

* See Col. Rec., Vol. XVI., p. 164.
† See Col. Rec,, Vol, XVI., p. 161.

prepare a plan for that purpose, and to report the same to this House at its next meeting.

Extract from the Journal.

WILLIAM LAMBERT, for
JOHN BECKLEY,*
Clerk.

RESOLUTION OF CONGRESS—PUBLIC DEBTS OF STATES, 1789.

In the House of Representatives of the United States.

Monday, the 21st of September, 1789.

Ordered, that the Secretary of the Treasury be directed to apply to the Supreme Executives of the several States, for statements of their public debts; of the funds provided for the payment in whole, or in part of the principal and interest thereof, and of the amount of the Loan Office Certificates, or other public securities of the United States, in the State Treasurys respectively: and that he report to the House such of the said documents as he may obtain, at the next Session of Congress.

Extract from the Journal.

WILLIAM LAMBERT, for
JOHN BECKLEY,
Clerk.

PETITION OF UNIVERSITY OF PENNSYLVANIA FOR USE OF STATE HOUSE BELL, 1789.

To the Honorable the Representatives of the Freemen of the State of Pennsylvania, in General Assembly.

The Petition of the Faculty of the University of Pennsylvania, humbly sheweth.

That the students of the University now meet, for their Instruction, in the Philosophical Hall, near the State-House, where the Institution is not yet provided with a Bell for Collecting them together at the stated hours of their Studies. That it would greatly promote the important designs of that Seminary, which owes its erection to the Assembly of Pennsylvania, and enable us better to answer the public expectation, in the Regularity, Order, & punc-

* See Col. Rec., Vol. XV., p. 167.

tuality of the Student's attendance and consequently in their progress in Useful Literature, to be allowed the liberty of ringing the State House Bell, at eight o'clock, A. M., in the summer, & at nine in the Winter, and at two in the afternoon in both; which We apprehend will not interfere with the usual Hours of its Ringing for the meeting of the Assembly.

That in the Recess of the Assembly, we had applied to the Supreme Executive Council, who cheerfully granted us this privilege until you should meet, and either revoke or continue the same.

We therefore humbly request your Honorable House, that you would be pleased to continue the grant of this Privilege, which we find to be so highly advantageous and necessary for the Benefit of the Institution; and, as we apprehend, in no manner prejudicial to the Public Business; and your Petitioners, as in Duty bound, shall ever pray, &c.

Signed in the name of the Faculty, by

JOHN EWING.*

September 18th, 1789.

University of Pennsylvania.

Indorsed,

Read in Council, September 25th, 1789; and permission granted to ring the State house Bell after the present Sessions of Assembly closes.

Resolution of Assembly in favour of University, 1789.

State of Pennsylvania, In General Assembly,

Wednesday, September 23, 1789, A. M.

The petition of the Faculty of the University of Pennsylvania, read September 19, was read the second time,

Ordered, that it be transmitted to the Supreme Executive Council to take order thereon.

Extract from the Minutes,

J. SHALLUS,

Asst. Clk.

* See Col. Rec., Vol. XVI., pp. 93, 170.

PRES. WASHINGTON TO PRES. MIFFLIN, 1789.

United States Sept. 21st, 1789.

Sir,

I have the honor to transmit to your Excellency An Act for establishing the Salaries of the Executive Officers of Government, with their assistants and Clerks—An Act to provide for the safe-keeping of the Acts, Records and Seal of the United States, and for other purposes—and An Act to suspend part of an Act entitled "An Act to regulate the collection of the duties imposed by Law on the Tonnage of Ships and Vessels, and on Goods, Wares, and Merchandizes imported into the United States," and for other purposes.

I have the honor to be,

with due consideration your

Excellency's most Obed't Servant

G°. WASHINGTON.

Directed,

His Excellency Thomas Mifflin.

ANDREW ELLICOTT TO PRES. MIFFLIN—ERIE, 1789.

Philadelphia Sept. 22nd, 1789.

Sir,

As the State of Pennsylvania by its purchase of the United States, of a Tract of Country lying on the South side of Lake Erie, has became interested in the Execution of the survey, so far as it relates to the Quantity of Land, I would therefore just suggest the Idea of some person being authorized to attend on behalf of the State.—I shall leave this City about the last of this week, and proceed to Niagara in order to execute my commission on behalf of the United States.

I have the Honor to be your

Excellecy's Humble Servant

ANDREW ELLICOTT.

Directed,

His Excellency Thomas Mifflin Esq.,

* See Col. Rec., Vol. XVI., p. 167.

PRES. MIFFLIN TO PRES. WASHINGTON, 1789.

In Council,
Philadelphia, September 23rd, 1789,

Sir,

I have the honor of acknowledging the receipt of your Excellency's letter of the 21st, instant inclosing the Acts of Congress under mentioned viz.

An Act for Establishing the Salaries of the Executive officers of Government, with their assistants and Clerks—An Act to provide for the Safe keeping of the Acts, Records, and Seal of the United States, and for other purposes—And An Act to suspend part of An Act entitled "An Act to regulate the collection of the duties imposed by Law on the Tonnage of Ships and Vessels and on goods, wares, and merchandizes imported into the United States," and for other purposes.

I have the honor to be with the, &c.,
THOMAS MIFFLIN.

———

RESOLUTION OF CONGRESS—AMENDMENTS TO CONSTITUTION, 1789.

Congress of the United States.
In the House of Representatives,
Thursday, the 24th of September, 1789.

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, that the President of the United States be requested to transmit to the Executives of the several States which have ratified the Constitution, copies of the Amendments proposed by Congress to be added thereto; and like Copies to the Executives of the States of Rhode Island and North Carolina.

Attest, JOHN BECKLEY, Clerk.

—

United States of America.
In Senate, September the 26th, 1789.

Resolved, that the Senate do concur in the Resolution.

Attest, SAM. A. OTIS, Sec'y.

* Col. Rec., Vol. XVI., p. 167.

Report of Committee on repairs of Mud Island, 1789.

The Committee appointed to report the best mode of repairing the Banks of Mud Island, Report, That they have caused an accurate survey of the said Banks to be made, upon which they have Estimated the Expences of repairing the same, agreeable to the most approved method now used—that is, to face the most exposed parts of the Bank with good stone, and raise them so high as to be above any tide or fresh that may reasonably be expected. The draft and Estimate is herewith submitted. Your Committee would also observe, that they have conferred with a Committee of the Legislature, who were of opinion that it will be difficult to raise the money requisite to defray the expence of repairing the banks of said Island, and that it would probably be best to let them remain as they are for the present.

—

Estimate of the probable expence of Compleatly repairing the whole of the Banks of Mud Island, exclusive of that part already repaired.

From the S. E. Angle of the fort to the Brick Chimney, is 55 perches; so far as this it is proposed to face with stone, which, allowing 6 perch of stone to one perch of bank, will am't to 330 perches @ 6s. . .	£99 00
Laying of 330 perches of stone, 1s. 8d. . .	27 10
165 perches of mud, that is 3 perches of mud to one perch of Bank, including all expences, @ 15s. .	123 15
Note—a perch of mud is 4 feet in height, 6 feet wide, and 16½ feet in length.	
From the Brick Chimney to the N. W. Corner of the Bank, is 118 perches. It is supposed that two perch of mud to every perch of Bank will put this in sufficient repair without stone; therefore 236 perch of mud @ 15s is	177 00
From the N. W. Corner of the Bank to the S. W. Angle of the fort, is 108 perch. As a great part of this Bank seems to want but little repair, it is supposed half a perch of mud to a perch of bank will be sufficient. This will amount to 54 perches of mud @ 15s. . .	42 00
	£469 05

15s. ℔ perch for mud, is meant to include the expence of an overseer.

Indorsed,

Report of the Committee on Mud Island—read Septr. 25, '89.

Petition of Robert Loller, 1789.

To his Excellency the President, and the Honorable the Members of the Supreme Executive Council of the Commonwealth of Pennsylvania.

Gentlemen:

As it is Customary for the Conveniency of the Inhabitants of the several Counties within this State to grant a Commission of the Pleas to the Register of Wills and Recorder of Deeds in each County, I take this method of Soliciting your Honors to grant me a Commission of the pleas for the County of Montgomery, to enable me to transact the business appertaining to the said offices in the same manner as is Customary in the other Counties in this State; And should your Honorable Board see fit to Comply with my request, my best endeavours shall be exerted to act worthy of such appointment.*

I remain, Gentlemen,
your most obedient, Humble Servt.,
ROBERT LOLLER,
Regr. & Recorder for Montgomery County.

Septem'r. 25th, 1789.

Opinion of W. Bradford, Jr.—Health Officer's Fees 1789.

September 26, 1789.

Sir,

Having considered the several acts relative to the fees payable to the Health Officer, I am of opinion, That under the act preventing poor and impotent persons being brought into this State, he is entitled to the sum of nine pence, head money, for every passenger arriving in this port in any Vessel; and is also, by virtue of a subsequent act, to receive the further sum of 6*d.* on the same account, for the Use of the Hospital. But his fee of twenty shillings, for visiting a Vessel and discharging the duties prescribed by the act for preventing infectious diseases, (and which is *properly* the health officer's fee) I apprehend is payable only by vessels of the three following descriptions, viz.: 1st, Those which, at the time of their departure for this port, had on board more than forty passengers or servants. 2d, Those which have on board any person with an infectious disease. 3d, Those which come from any sickly port or place. Vessels of these descriptions alone are the objects of the last mentioned act, & are alone liable to be charged for the visits of the health officer. Other vessels are liable only to the head money

* He was appointed.

before mentioned in case they have any passenger or passengers on board. I have the honor to be, Sir,

Your most Obed. serv.,

W. BRADFORD, Jun.*

Directed,

Honb. G. Ross, Esq.

LIEUTENANT OF LUZERNE CO. TO N. DENISON—MILITIA LAWS 1789.

Wilksbarre, September 28th, 1789.

Dear Sir,

I would by this inform Council how the late act made with respect to the Militia opperates in this County.—This law appointing the Commissioners of the County a Board of appeals, seems not to answer any valuable effect.—The officers of the respective Companies with punctuality and attention, under oath make their Returns of the Delinquents. The Commissioners not under the same Obligation grant relief to whom they please.—Enclosed is a Certificate of the Commissioners declaring if the law thus opperates, few or no men will stand in the ranks.—There are a number in the enclosed list who answered to their names on the last review day, after which, immediately left the field, their officers returned them as delinquents.—Upon an appeal the Commissioners excused them (one of the Commissioners being in the same situation) A number of others in the list never applied to the Commissioners either by themselves or Attorney, and a number of others to whom Certificates are given were returned as Delinquent on review days, which occurred long before the existance of the Commissioners as a board of appeals.—The Commissioners wish light on the subject.—If they have proceeded according to the meaning and intention of the Legislature.—I think the law in its opperation will not be so advantageous in keeping up good regulations among the Militia as might be wished.

Enclosed also is the return of Company Officers elected for the 8th Company, in Communicating the Substance of this to Council, together with return, you will oblige.

I am Sir, your most Obedient
and very humble Servant

ZEBN. BUTLER.

N. B. Company Returns not Ready—as I Expected.

Z. BUTLER.

Directed,

The Honorable Nathan Denison Esq., In Council, Philadelphia.

* See Col. Rec., Vol. XVI., pp. 133, 142, 147, 151, 168, 170, 171, 172 173, 174.

We the Subscribers according to the power in us vested do hereby excuse & discharge the following persons from all fines incurred before this day, for not attending according to law on training or muster days viz.

Robert Falkner,	Philemon Bidlack,
Josiah Kellogg,	John Lamfier,
Ira & Eli Manvil,	Benjamin Raser,
Stephen Dodd,	David Boys,
Thomas Allington,	Henry Tuttle,
Edward Walker,	Joseph Tyler,
Samuel Bennet,	Isaac Underwood,
Aaron Perkins,	Daniel Pierce,
Elisha Mattison,	Asahel Fish,
John Coon,	Josiah Kellogg,
Israel Underwood,	Thomas & Jonathan Stephens,
Elisha Harvey,	Thomas Tabbs,
John Leonard,	Samuel Ives,
Saml & John Allen,	John Biggelow,
Nathan Parish,	Jason Horton,
Doct. Charles W. Adams, (one fine only.)	William Hurlbut,
	John Wort,
Samuel Hover,	James Landon,
Ebenezer Parish,	Isaac Parker,
Jacob Scott,	Elijah Harris.

Witness our hands this 25 day of June A. D. 1789.

CHRISTOPHER HURLBUT. }
SAML. ALLIN. } Commissioners.

Recommendation of John Adlum to examine Susquehannah River, 1789.

We the Subscribers believe the bearer, John Adlum to be a person well qualified to execute the business of a Commissioner for examining the Navigation of the River Susquehanah, and therefore beg leave to recommend him to his Excellency the President, and the Hon'ble the members of The Supreme Executive Council for that appointment under the late Act of General Assembly.

JNO. NICHOLSON,
BENJ'N RUSH,
WM. MACLAY,
THOS. HARTLEY,

As a person I believe to be well qualified for the service above-mentioned, the said John Adlum is recommended by

HENRY DRINKER,
RICHARD WELLS.*

* See Col. Rec., Vol. XVI., pp. 178, 179, 181.

War Department to Pres. Miffiin—Defence of Western Territory, 1789.

War Office of the United States, October 6th, 1789.

Sir,

I am directed by the President of the United States to transmit to your Excellency the enclosed extract of a Law enacted by the Congress on the 29th day of September last; and I am further directed, Sir, to inform you that the state of intelligence from the frontiers has rendered it expedient for the President of the United States to instruct provisionally the Governor of the Western Territory, to call forth the Militia of the nearest Counties for the protection of the frontier inhabitants, from the hostile incursions of the Indians, limiting the Militia to be so called forth to one thousand from Virginia and five hundred from Pennsylvania.

The said Militia while in actual service are to receive the same pay and rations as the troops of the United States, provided that no charge for pay be admitted as valid, unless the Militia shall be mustered by an officer of the said troops, to be appointed by the commanding officer thereof.

It is expected the Militia will be armed and accoutred at their own expence, but to be furnished with ammunition if necessary by the United States.

Your Excellency will make such use of this information as you shall judge proper, in order to facilitate such orders as the Governor of the Western Territory may find it necessary to issue.

I have the honor to be,
With great Respect,
Your Excellency's most
Obed't Humble Servant,
H. KNOX,*
Secretary for the department of War.

Directed,

His Excellency, Thomas Mifflin, President of Pennsylvania.

Extract of an Act to recognize and adapt to the Constitution of the United States the establishment of the troops raised under the resolves of the United States in Congress Assembled, and for other purposes therein mentioned, passed the 29th Septemb'r, 1789.

"Section 5th. And be it further enacted, That for the purpose of protecting the inhabitants of the frontiers of the United States from

* See Col. Rec., Vol. XVI., pp. 188, 189.

the hostile incursions of the Indians, The President is hereby authorized to call into service from time to time, such part of the Militia of the States respectively as he may judge necessary for the purpose aforesaid, and that their pay and subsistence while in service be the same as the pay and subsistence of the troops abovementioned."

"Section 6th. And be it further enacted, That this Act shall continue, and be in force until the end of the next session of Congress, and no longer."

A true Copy.

H. KNOX.

Comm'rs to Examine River Delaware—to Pres. Mifflin 1789.

To the Supreme Executive Council, of the Commonwealth of Pennsylvania.

The Commissioners appointed to review the River Delaware, having in this service to pass a great distance beyond where inhabitants are settled near the River, capable of affording them any assistance, are under a necessity of requesting that Council will please to order the Commissary of Military stores, to supply them with the following articles, which the Commissioners conceive will be highly necessary at this advanced season of the year.

A Horseman's tent & 1 smaller tent,
A boat cover for provisions,
6 Blankets for the Boatmen,
3 Camp Kettles,
8 Tin Cups & 2 Mugs,
1 Frying-pan,
2 Axes, 1 Hatchet, 2 Gimblets & 3lb of nails,
Cord for lashing,
2 Muskets,
4lb of Gun-powder,
8lb of Lead,
8lb Shot,
Tinderbox, Flints & Steel, & 2 Valices.

And they request that Council will be pleased to advance them the sum of ninety pounds.

T. MATLACK,
READING HOWELL,
W. DEAN.*

Philadelphia, Octob'r 6, 1789.

* See Col. Rec., Vol. XVI., p. 186.

Application for an Island in Alleghany River, 1789.

Pittsburgh, October 13th, 1789.

Dear Sir,

I presented a Petition to Council before I left the City in July last, from Wm. Owen a poor man who lives on an Island in the Allegany River about 30 miles from this place, who has made considerable improvements, and desires the Countenance of Council in having a preferance granted him in the purchase.

You will particularly oblige me, in informing the first good oppertunity if Council has done any respecting this petition, or made any disposition in the sale of it, as this Poor man depends on me to assist him in getting this information, I shall thank you for your attention.

John Wilkins, Esq'r, the member for this County will assist in bringing it forward if nothing is yet done in it.

I remain D'r Sir,

your most hum. Serv't,

WM. TURNBULL.

Directed,

To James Trimble, Esquire, Assistant Secretary to Council, Philadelphia.

John Sellers to Pres. Mifflin—Resignation, 1789.

Philad'a, Oct'r 17th, 1789.

Respected Friends,

Finding it impossible to attend the business to which you have honor'd me with an appointment, in your Commission for examining the waters of Schuylkill, &c., I beg leave to resign it to some other person.*

I am with the greatest respect

your assur'd friend,

JOHN SELLERS.

The Hon'ble Executive Council of the State of Pennsylv'a.

Directed,

To the Hon'ble George Ross, Esq'r, Vice-President of the State of Pennsylvania.

* Resigned, and B. Rittenhouse appointed in his place. Col. Rec., Vol. XVI., p. 194—see page 629, of this.

James Brison to Sec'y Biddle—Licenses, 1789.

Pittsburgh, October 19th, 1789.

Sir,

On the twelfth of August last I received an order of Council dated June 26th, requiring me to transmit to your office a correct list of all Tavern-keepers within this County. As the Tavern-keepers within this County had taken their Licence in the Counties of Westmoreland and Washington before this was erected, and those Licences were not then Expired; I Postponed sending the list untill after our September Sessions, when the Applications within this County were made. I enclose the lists of all who have been Recommended by this Court. I shall be much obliged to you to transmit me by post or by the Gentleman who carries this, fifteen Licences as I can get no money for Licences until they are actually given —If there are fees to be paid in your Office on giving the Licences, I'll thank you to send a bill with them, and I will remit the money Immediately.

I doubt there will be very dull sale for Marriage Licences in this County, as no application has ever been made to me for any—If you think proper to send half a Dozen of them, I will dispose of them if there should be any demand.

I have the honor to be

with the greatest Respect

your Obedient Servant,

JAMES BRISON.

Directed,

To the Hon'ble Charles Biddle, Esquire, Secretary to Council Philadelphia.

Hon. by
Mr. Wilkins.

War Office to Pres. Mifflin—Pensions, 1789.

War Office of the United States, October 19, 1789.

Sir,

I am directed by the President of the United States to request that your Excellency would be pleased to order an exact list to be made out, agreeably to the form herein enclosed and transmitted immediately to this Office, of all the military Invalids to whom pensions have been granted and paid by the State of Pennsylvania in pursuance of the resolves of the late Congress of the United States.

It is to be observed that no lists have been received at this office of the Invalids residing in the state of Pennsylvania since the one dated July 5th, 1786. The list now requested is indispensibly necessary in order to make an arrangement for the payment of the Invalids in March next, agreeably to the information published in the newspapers.

I have also to request that your Excellency would be pleased to direct a return to be made out of the officers, widows, or Orphans (if any) who have received from the State of Pennsylvania the seven years half pay stipulated by the resolve of Congress of the 24th of August, 1780.—This return to state the rank, and time of the officers death, the amount of the annual pension paid to the widows or Orphans, and the years for which it has been paid.

I have the honor to be
your Excellency's most
obedient, Humble Servant
H. KNOX, Secy. at War.

—

The form of Return of Invalid Pensioners in the State of———" accompanying this letter exhibits the Rank—age
Corps and by whom commanded—militia—State—continental Ships or vessels—names—by whom commanded
Cause of disability—when disabled—where disabled—Residence —town—county
To whom commission was returned—
When pension commenced
When pension ceased—Died—Struck off the list and reasons, allowance per month—
Amount paid—
State time to which the pension has been paid off—*

Directed,
The President of the Commonwealth of Pennsylvania.

Meeting of Counties for improving Susquehanna River, 1789.

Paxton Township,
Dauphin County, the 19th October, 1789.

At a meeting of a number of the Inhabitants of the Counties of Lancaster, York, Cumberland, Northumberland, Dauphin, Hun-

* See Col. Rec., Vol., XVI. p. 200.

tingdon and Mifflin, at the House of Mr. Archibald M'Callister, in Paxton Township aforesaid, in pursuance of a circular letter dated at Lancaster, the 5th day of September last.*

Present, from Lancaster County.

Jasper Yeates, Esq.,	Joseph Simons,
Paul Zantzinger,	Bartram Galbreath,
Alexander Lowry,	Samuel Boyd,
Sebastian Graff,	Samuel Wright,
Jacob Krug.	

From York County.

James Ewing, Esq.,	Michael Simpson.

From Cumberland County.

James R. Reid, Esq.,	Alexander Parker, Esq.,
George Gibson, Esq.,	Andrew Galbreath.

From Northumberland County.

Charles Smith, Esq.,	Aaron Levy,
Josiah Hains,	Anthony Seelen,
Abraham Scott,	Frederick Antes,
William Wilson, Esq.,	Andrew Stroube.

From Huntingdon County.

John Brattan.

From Mifflin County.

William Brown, Esq.,	John Oliver.

JAMES EWING, Esq., *being unanimously appointed* Chairman;

On motion Resolved, That it is of the utmost importance to the interests of the Community at large, That the Navigation of the River Susquehanna, as far South as Wright's Ferry and of Juniata, and of the other various Streams running into the said Rivers, which are capable of being made navigable, should be effected without delay.

On motion Resolved unanimously, That it is the sense of this Meeting, that Subscriptions should be forthwith raised and collected for the purpose of clearing the Navigation of the River Susquehanna, as far South as Wright's Ferry, Juniata and the Streams

* See page, 608.

aforesaid, and that the Monies, Merchandize, &c., subscribed, shall be appropriated as herein after directed.

Resolved unanimously, That the following Gentlemen be requested and impowered to raise Subscriptions in their several Counties, for the purposes aforesaid, and to use their utmost influence therein, and have those different Subscriptions collected as soon as possible.

For the County of Mifflin.

James Harris, William Brown,
George Wilson, Andrew Gregg,
John Oliver, James Potter, jun.

For the County of Huntingdon.

John Canon, Robert Riddle,
John Brattan, George Ashman,
Andrew Henderson, William Philips.

For the County of Dauphin.

Martin Weaver, Esq., Archibald M'Callister,
Col. Murray, Jacob Cook, Esq.

For Northumberland County.

John Boyd, Simon Snider,
Josiah Hains, Charles Smith.

For the County of Cumberland.

William Barr, George Gibson,
James Laughlin, William Starret,
Alexander Parker, George Smiley,
Stephen Duncan, James R. Reed,
William Chambers, Major James Smith,
John Walker, John M'Keehen.
Jacob Hoover.

For the County of York.

Henry Miller, David Grier,
Michael Hahn, Michael Simpson.

For the County of Lancaster.

Jasper Yeates, Sebastian Graff,
John Hubley, Jacob Krug,
Paul Zantzinger, John Miller.
Adam Reigart,

For the City of Philadelphia.

Reuben Hains.

For Donegall & Hempfield.

John Haldman, Samuel Wright,
Thomas Boude.

Resolved unanimously, That it be recommended to the Subscribers in produce, &c., to deposit and store forthwith the articles of merchandize by them respectively subscribed with the following persons in their several Counties, viz:

In Mifflin County.

John Carmichael, in Wayne Township,
Samuel Colliday's mill - - do.
William Ellicott,——Henry Berntheisel, Derry Township,
John Harris—Fermanagh Township,
Thomas Wilson—Milford Township,
George Rex—Fermanagh Township.

In Huntingdon County.

Benjamin Ellicott—Huntingdon,
George Ashman—Bedford-furnace,
James Sommerville's mill—Shirley Township.

In the County of Northumberland.

Boyd and Wilson—in Northumberland-Town,
Seelen and Snyder—in Penns. Township,
Charles Smith,——John Black, (Sunbury.)
Josiah and William Hughes—Catawissa,
Samuel Wallis—Munsey,
Yentzer and Darr—Darrs-Town,
William Montgomery—Mahoning-Township,
Simon Earholt's mill.

In Cumberland County.

William Barr—Shippensburg,
James M'Laughlin's mill—Middleton-Township,
Francis Silver's mill—East Pennsborough-Township,
William Kelso, - - - do.
George Gibson's mill—Shearman's-Valley,
William Starrets—Juniata,
James Smith's mill—Yellow Breeches.

In Lancaster County.

John Wright—Wright's Ferry.

Resolved, that there shall be a Treasurer appointed, in aid of whom there shall be a person appointed in each County who shall receive the monies, and direct the sale of Merchandize, &c., and who shall from time to time pay such monies into the hands of the Treasurer as soon as the same shall amount to the sum of fifteen pounds.

Whereupon Jacob Crug was unanimously chosen Treasurer, and the following Gentlemen were appointed for the purpose aforesaid, in the several Counties following.

James Harris—for the County of Mifflin.
Andrew Henderson—for the County of Huntingdon,
Archibald M'Callister—for the County of Dauphin,
John Boyd—for the County of Northumberland,
James R. Reed—for Cumberland County,
Henry Miller—for York County.

Resolved, That five persons be appointed Commissioners, and that they or any three of them do appropriate the money to be collected by the Subscriptions aforesaid, and superintend the removing the obstructions in the River aforesaid, and the various Streams running into the same, & draw on the Treasurer from time to time for such monies as may be necessary, for carrying this undertaking into execution.

Whereupon the following Gentlemen were unanimously appointed, viz.:

Frederick Antis—of Northumberland County,
John Brattan—of Huntingdon County, on Juniata,
Andrew Galbreath—of Cumberland County,
Sebastian Graff———John Haldeman, (of Lancaster County.)

By Order of the Meeting,
JAMES EWING.*

John Adlum to Pres. Mifflin, 1789.

His Excellency the President, & the Hon'ble the Supreme Executive Council.

Being by your Honorable Board vested with an appointment of Commissioner (in Company with Benjamin Rittenhouse, Esqr.,†) to examine the River Schuylkill & make report, &c., agreeably to an late Act of Assembly, and desirous of proceeding immediately to the business, I take the liberty of requesting that you would be

* From printed handbill.

† Appointed in place of John Sellers—See p. 623. Col. Rec., Vol. XVI., pp. 194, 195.

pleased to grant me the Sum of thirty pounds for the purpose of defraying Contingent expences, and your Hon'ble Board will thereby Confer a further obligation on, Gentlemen,

Your most obedient &
Very Humble Servant,
JOHN ADLUM.

October 21st, 1789.

RECOMMENDATION OF T. PICKERING AS SURVEYOR GEN'L—ON DEATH OF J. LUKENS, 1789.

To His Excellency the President, and the honorable the Supreme Executive Council of the Commonwealth of Pennsylvania.

Finding that the Office of Surveyor General of this Commonwealth hath become vacant by the Death of John Lukens, Esquire, we take the Liberty of expressing an earnest wish that it may be filled by a person of abilities, Integrity, and Attention to Business.

The great Care that has been taken in all former appointments to this office, and the various and important Duties of it, as well as the high Trust to be reposed in him who shall be called to fill it, clearly show the necessity of these Qualities being united in him who shall be entrusted with it; and believing Timothy Pickering, Esquire, to possess them in an eminent degree, we beg leave to recommend him as a Gentlemen well qualified in all respects to be appointed to it.

Richard Peters,
Fred. A. Muhlenberg,
W. Rawle,
J. Ingersoll,
James Wilson,
Geo. Clymer,
Thos. Willing,
Tench Francis,
Samuel Powel,
Tho's McKean,
Thos. Fitzsimons,
Wm. Lewis,
Edwd. Shippen,
Robt. Morris.

Philadelphia, Octo 26th, 1789.

RECOMMENDATIONS OF D. BRODHEAD AS SURVEYOR GENERAL-1789.

To His Excellency the President, and the honorable the Supreme Executive Council of Pennsylvania.

Gentlemen:

The Office of Surveyor General being vacant by the death of John Lukens, Esquire, and wishing that important Office should be filled

* See Col. Rec., Vol. XVI., pp. 199, 208—when D. Brodhead was appointed

by a Person suitable and able to execute the duties of it, We beg leave to recommend Daniel Brodhead, Esquire, as a gentleman well qualified, and whose appointment will give general satisfaction.

I have recommended Colo. Timothy Pickering as a Gentleman qualified to execute the above office, and from the personal knowledge I have long had of General Brodhead, cannot refrain from declaring that I think him also qualified for the same.

THO. McKEAN.

Wm. White: who wishes his signing to be understood as not intended to oppose the Pretensions of other qualified Gentlemen.
Peter Baynton,
Fran's Gurney,
Fred'k A. Muhlenberg,
John Wilcocks,
D. Lenox,
John F. Mifflin,
Rich'd Bache,
Geo. Hughes,
Thomas H. Moore,
James Biddle.

To His Excellency The President, the Honorable the Vice President, und the Honorable the Supreme Executive Council of the State of Pennsylvania.

Whereas the Office of Surveyor General is become Vacant by the Death of John Lukens, Esqr., and it being of general Importance that the same should be filled by a Gentleman of Capacity and undoubted Integrity—We, the Subscribers, being fully persuaded that General Daniel Brodhead is a suitable Person, and that his appointment thereto would give general Satisfaction, we take the Liberty to recommend him accordingly.

Philadelphia, October 31st, 1789.

Philip Wager,
Andw. Epple,
John Baker,
Leonard Jacoby,
Frederick Kuhl,
Geo. Habacker,
Geo. Bickham,
Andrew Geyer,
George Honey, Junr.,
Henry Epple,
Joseph Snowden,
John Rutter,
Sam'l Morris,
Jas. Abercrombie,
Mark Willcox,
Rob. M'Knight,
Henry Toland,
Rich'd Fullerton,
Wm. Heysham,
Christian Febiger,
John Steinmetz,
Wm. Hall,
Jacob Lawerswyler,
Willm. Wister,
Rich'd Footman,
James Oldden,
John Oldden,
Wm. Poyntell,
Benj. Penington,
Jos. Coperthwait,
Jas. Bryson,
James Glentworth.

From the knowledge I have of the Character of General Brodhead, I have reason to believe that he is qualified for the office of Surveyor Gen'l for this State, now vacant, & beg leave to recommend him accordingly.

JOS. B. M'KEAN.

Lawrence Seckel,	John Kidd,
Peter Kuhn,	Alex. Fullerton,
Lewis Farmer,	Jacob Schreiner,
Geo. Meade,	Jno. Patton,
Wm. Sheaff,	Jn. Vaughan,
Henry Sheaff,	Mag's Miller,
Jno. Shee,	Clement Biddle,
John Chaloner,	John Taylor,
Wm. Gray,	John Duffield,
Amos Wickersham,	Hugh Lennox,
John Melbert,	Will. Adcock,
John Helm,	Geo. Aston,
Wm. Von Phul,	Thomas Forrest,
Jacob Morgan, jr.,	James Ash,
Danl. Williams,	Reuben Haines,
Wm. Colladay,	Reynold Keen,
John Souder,	Henry Kammerer,
Christn. Baker,	Thomas Potts,*
Thomas Barton,	

DR. THOS. RUSTON TO PRES. MIFFLIN—SEAT IN COUNCIL, 1789.

Philadelphia, Oct'r 26th, 1789.

Sir,

The Electors of the County of Chester having, by their almost unanimous suffrages, done me the honor of returning me as their representative in the Supreme Executive Council of this Commonwealth, I request the favor of knowing whether I may be permitted to take a seat at your honorable board, agreeably to their wishes. Their Reasons for proceeding to this election I conceive to be these.

1st. Because every County, according to the Constitution of this Commonwealth, has a right to one Representative in Council.

2ly. Because no one Councillor has a right, according to the Constitution, to represent two, or more than one County.

3ly. Because by the late act of Assembly for dividing Chester County into two Counties, the Councillor that had before been elec-

* D. Brodhead was appointed. See Col. Rec., Vol. XVI., pp. 208, 210, 214, 216—his deputies.

ted by the joint suffrages of both Counties, is in fact made to represent the new County of Delaware, because the Electors of that County are Expressly forbid to Elect a Councillor till the expiration of the time for which the former Councillor had been elected, and this is done at the very time when it is enacted. "That the inhabitants of the said County of Delaware shall at all times hereafter enjoy all and singular the jurisdictions, powers, rights, liberties and priveleges whatsoever, which the inhabitunts of any other County of this State do, may or ought to enjoy, by the Constitution and Laws of this State," of which, that of having a Councillor to represent them in the Supreme Executive Council, they conceive to be a very important one.

4thly. Another reason which induces them to think that the Councillor formerly elected for Chester County ought not to be considered as their Councillor, at present, is, that his property and residence are both in the County of Delaware, circumstances which peculiarly fit him for being Councillor for that County. The Electors of the County of Chester, influenced by this consideration, are strongly desirous of having a Councillor who has property in their own County sufficient to constitute a common interest with themselves.

A 5th Reason that has operated on the minds of the Electors of Chester County in proceeding to this Election is this, That in the 19th Section of the 2d chapter of the Constitution of this Commonwealth it is expressly said "that all vacancies in the Council, that may happen, by death, resignation or *otherwise, shall* be filled up at the next General Election for Representatives in General Assembly." The County of Delaware has not proceeded to fill up the vacancy occassioned by the division of the County, but the County of Chester, has. All of which is respectfully submitted to the consideration of your honorable board by

your Excellencies most obd't
and very humble Serv't,
THO'S RUSTON.*

Directed,

To His Excellency Tho's Mifflin, Esq., President of the Supreme Executive Council of the State of Pennsylvania.

* See Col. Rec., Vol. XVI., p. 201—where Col. Rich'd Willing is deemed already in possession of the Seat.

ADDITIONAL INSTRUCTIONS TO COMMISSIONERS TO VIEW SUSQUEHANNA RIVER, 1789.

In Council,
Philad'a, November 4th, 1789.

Gentlemen,

From Information received by Council since the date of our Letter of instruction to you, we think it proper to give you the following Direction for your Immediate Government which you are most strictly to observe.

Your are to confine yourselves to the Falls and Obstruction of the River Susquehannah from Wright's Ferry up the said River to include the head of McKee's half falls—and from the mouth of the River Juniata up the said River to Include the Head of Aughwick Falls—Council are Induced to give you these additional Instructions from the necessity of having your Report of the probable Expences of Removing the several Obstructions and Improving the navigation of those Rivers Between those distances to be laid before the General Assembly in this present Session.*

I am Gentlemen, with great Respect,
your most obedient and most humble servant,
GEORGE ROSS, V. P.

FRANCIS HOPKINSON, J. A., ON SAFETY OF ADMIRALTY PAPERS 1789.

Philada., Nov. 6th, 1789.

Sir,

I think it is my Duty to intimate to your Excellency the Propriety of Council's taking some Order respecting the Disposal & safe keeping of the Records of the late Court of admiralty of Pennsylvania since the Revolution. They are, at present in the possession of the Hon. Mr. Read the late Register of that Court: but as these Records may be of future Importance in many Respects, Council will probably think it proper to deposite them in some suitable public place, where References to them may be had with more Propriety & official Responsibility obtained for their safe keeping.

I have the Honour to be, with all
due Respect your Excellency's most
obedient and most humble Servant
FRAS. HOPKINSON.

Directed,

His Excellency The President of the Supreme Executive Council of Pennsylvania.

* See Col. Rec., Vol. XVI., p. 208.

Resolution of General Assembly, 1789.

State of Pennsylvania In General Assembly, Friday, November 6, 1789, A. M. On motion of Mr. Lewis seconded by Mr. Kennedy Ordered that Mr. Gurney, Mr. Lilly and Mr. Kennedy be a committee to confer with Council concerning the time, place and manner of electing a President and Vice President of the Supreme Executive Council.*

Extract from the minutes

PETER Z. LLOYD.
Clerk of the General Assembly

Resolutions of General Assembly—Suit of Judges against the State, 1789.

State of Pennsylvania In General Assembly, Saturday November 7, 1789. A. M. The committee appointed November 5, on the letter from William Bradford Esquire attorney General, made report which was read, and on motion and by special order, the same was read the second time and adopted as follows viz.

The committee on the letter of William Bradford, Esquire, attorney General of the state beg leave to report.

That the issue directed by the resolve of the late House of Assembly of the twenty second day of September, 1789, to be joined in the amicable actions, at the suit of the several Judges of the Supreme Court to which the attorney General was ordered to appear on behalf of the Commonwealth, relating only to the depreciation of the Bills of credit emitted in 1785, the instructions contained in the said resolve appear to your committee sufficiently ample, and the acts and proceedings of this House being of a public nature all the necessary documents and evidence may be found upon consulting the minutes and Volumes of laws. They therefore submit the following resolve.

Resolved that the resolution of the late House of Assembly of the twenty-second day of September 1789, directing the attorney General to join an issue whether by the Constitution law or equity the Commonwealth is bound to pay the salaries severally allowed to the Judges of the Supreme Court in specie or the value thereof, requires no farther explanation nor has the House any further instructions or documents to Communicate.

That this resolution be transmitted to the Supreme Executive Council who are requested to conduct the trial on behalf of the Commonwealth, in such manner as shall appear to them most conducive to the interest and honor of this State.

Extract from the minutes

PETER Z. LLOYD.
Clerk of the General Assembly

* See Col. Rec., Vol. XVI., p. 212, for order of procession on Nov. 11, when Thos. Mifflin and Geo. Ross were elected.

State of Pennsylvania In General Assembly, Saturday November 7th, 1789, A. M.—On motion of Mr. Rawle & Mr. Carson, Ordered That the Committee appointed on the letter from the attorney General of this State November 4th instant, be a committee to confer with the Supreme Executive Council on the subject of the report on said letter adopted this forenoon, and that Mr. Vaux be added to the said committee.

Extract from the minutes

PETER Z. LLOYD.
Clerk of the General Assembly.

The honorable, The Supreme Executive Council.

R. PETERS TO PRES. MIFFLIN, 1789.

10 O'clock

Dr. Sir,

The House have a Resolution to pass relative to a Trial coming on this Morning between the Judges & the State. The Atty. Genl. seems to be of opinion in Fav'r of the Judges who have confined their claims to the Money of 1785. But as the subject is thought proper for Discussion a Power is given to Council to conduct the Trial. I presume because other Counsellors should be employed, if the Atty. Genl. should not think it consistent with his opinion to oppose the claim, I give you this private Information that you may prevail on Council to sit till they receive the Resolve of the House who appear to have no other wish but a fair Discussion.

yrs. affectly

R. PETERS.*

Directed,

His Excy the President or Vice President of the State.

Indorsed,

1789, November 7th, Resolution of assembly Relative to the Suit at Law between the Judges of the Supreme Court and the Commonwealth—leaving it discretionary with Council to conduct the action in such manner as they may think proper.

Read in Council Nov. 7th 1789, and Jared Ingersol appointed to assist the Atty. Genl.

* See Col. Rec., Vol. XVI., p 215.

COMM'RS FOR EXPLORING SUSQUEHANNA RIVER TO PRES. MIFFLIN, 1789.

To His Excelency, Thomas Mifflin, Esq'r, President of the State of Pennsylvania.

Sir,

The short notice of our appointment and the necessary Preparations for Leveling, Exploring, &c., has taken more of our time than we expected, we are now about 25 miles up Juniata River; has we hope been as accurate in our different observations as is necessary, are at the same time sorry that it will not be in our Power this sitting of the sessions, to make a satisfactory Draught of our Proceedings, the uncertainty of the weather, & shortness of the Days, we hope will appologize for our none-complyance, but against the next meeting of the Assembly, we hope to be able to lay our proceedings before them, and therefore begs of the Honorable Council that what is above stated may be a sufficient Excuse, at the same time beg leave to mention that the removeing the obstructions in the navigation of those navigable waters, fills the minds of the people with the greatest Expectations, and we can with the greatest assurance assert, that in paying attention to the navigation of our western waters; the Greatest Expectations may be look'd for both to the advantage of the back Inhabitants & our metropolis, the general complaint is a new Country, full of healthy People, & no market for their Produce. In one or two seasons more, we hope that those obstructions will be removed, which will be a great measure in settling our Western Lands.

We are your Excelencies,

most obedient & very

Humble Servants,

SAM'L. BOYD,

BARTREM GALBRAITH,

THOS. HULING.*

Mifflin County, 8th Nov'r, 1789.

Indorsed,

Read in Council, 1st time, 18th of November, 1789.

Directed,

His Excelency, Thomas Mifflin, Esq'r, President of the State of Pennsylvania.

* See Col. Rec. Vol. XVI., p. 209

PRES. MIFFLIN TO HENRY HALE GRAHAM, 1789.

In Council, Philadelphia.
Secry's Office, Nov. 9, 1789.

In the belief that you were a Justice of peace for the County of Delaware, Council on Saturday last, appointed you President of the Court of Common Pleas, of the Court of General Quarter Sessions of the Peace and Jail Delivery, and of the Orphans' Court.

Upon Examination it appears that you are not a Justice of the Peace for that County, and of course, cannot act as President of the Court of Qr. Sessions, & Orphans' Court. Council have revoked the Comm. issued on Saturday, and have ordered a Com. Justice of the Court of Com. Pleas for that County and Com. as President of that Court to be made out for you which Com. I enclose and am directed to request you will send the Com. issued on Saturday last.

I am, Sir, your very humble Servant,
CHARLES BIDDLE,*
Sec'ry.

ELECTION OF STATE TREASURER, CHRISTIAN FEBIGER, 1789.

State of Pennsylvania, In General Assembly,
Friday, Nov. 13, 1789, A. M.

Agreeably to the order of the day, the House proceeded to the election of a treasurer of this State, & the ballots being taken, it appeared that Christian Febiger, Esquire, was duly elcted.

Extract from the Minutes,
PETER Z. LLOYD,
Clerk of the General Assembly.

Directed,
For the Honorable the Supreme Executive Council.

A. HAMILTON, SEC'Y OF TREASURY, TO PRES. MIFFLIN, 1789

Treasury Department, November 21st, 1789.

Sir,

Not having received any acknowledgement of my Letter of the 26th of Septr., transmitting the Copies of two resolutions of the house of Representatives of the 21st of the same month; and conceiving the information which relates to the debts of the several

* See Col. Rec., Vol. XVI., p. 217.

States, and the public securities of the union in their Treasuries, to be an object of a very important nature, I have the honor to inclose duplicates of my letter and of the resolutions accompanying it.

I can only add, that as the period fixed for the next meeting of Congress is hastening on, if any thing can be done to accelerate the transmission of the information desired, it will greatly promote the public service.

I have the honor to be

Your Excellency's Obt., humble servt.,

A. HAMILTON,

Sec'y of the Treasury.

His Excellency Thomas Mifflin, Esqr., President of the state of Pennsylvania.

—

Dupl.

(Circular.)

Treasury Department,
Septr. 26th, 1789.

Sir,

In obedience to an order of the house of Representatives of the 21st instant, (Copy of which I have the honor to inclose) it becomes my duty to request your Excellency to procure and transmit to this Office the Documents and information therein required.

As the next Sessions of the Legislature will be on the first Monday of January ensuing, it is greatly to be wished that the whole of the above statements may be forwarded to this Office before that day; particularly the Statement of the Loan Office Certificates, or other public Securities of the United States which may be in the Treasury of your State.

This last Statement is immediately necessary to enable me to prepare with the requisite accuracy the plan referred to in other resolutions of the House of the same date with those above mentioned, a Copy of which is likewise enclosed for your information.

It would be advisable to transmit, at the same time, as accurate a statement as can be made of the Interest (if any) which the State may have paid on the evidences of the public Debt above mentioned.

I have the honor to be

Your Excellency's most Obed., hum. servt.,

A. HAMILTON,

Sec'y of the Treasury.

His Excellency Thomas Mifflin, Esqr., President of the State of Pennsylvania.

In the House of Representatives of the United States.

Monday, the 21st Septr., 1789.

The House proceeded to consider the Report which lay on the Table, from the Committee to whom was referred the Memorial and Petition of the public Creditors of Pennsylvania,

Whereupon Resolved, that this House consider an adequate provision for the public Credit as a matter of high importance to the National honor and prosperity.

Resolved, that the Secretary of the Treasury be directed to prepare a plan for that purpose, and to Report the same to this House at its next meeting.

Extract from the Journal,

JOHN BECKLEY, Clerk.

(Copy.)

Compared with the Original in the Office of the Secretary of the Treasury.

WM. DUER, Ass't Sec'y.

In the House of Representatives of the United States.

Monday, the 21st Septr., 1789.

Ordered, that the Secretary of the Treasury be directed to apply to the Supreme Executives of the several States for Statements of their public Debts; of the funds provided for the payment, in whole or in part, of the principal and Interest thereof; and of the Amount of Loan Office Certificates, or other public Securities of the United States in the State Treasuries respectively; and that he Report to the House such of the said documents as he may obtain at the next Session of Congress.

Extract from the Journal,

JOHN BECKLEY, Clerk.

(Copy.)

Compared with the Original in the office of the Secretary of the Treasury.

WM. DUER, Ass't Sec'y.

D. Brodhead, S. G., to Pres. Mifflin, 1789.

Surveyor General's Office, Nov'r 23rd, 1789.

Sir,

Having been applied to for a renewal of Commission of Messeurs Presley Neville & Matthew Richey Deputy Surveyors of a District late part of Washington County (part whereof has since been erected into a separate County called Alleghany, Bounded by the great

Road leading from Fort Burd to the Town of Washington, late Cat-Fish camp from thence to the nearest head waters of Buffaloe Creek thence down the said Creek to the line of the State, thence along the same to the River Ohio, thence up the same to the mouth of Monongahela River & thence up the same to the Beginning. And no complaint having been made against the Gentlemen jointly holding the said District, I beg leave to reccommend them to the Honorable the Executive Council.

I have the Honor to be

Sir, your most obd't Serv't,

DANIEL BRODHEAD,
Surv'r Gen'l.*

Directed,

To His Excellency the President in Council.

PRES. MIFFLIN TO ALEX'R HAMILTON, SECRETARY OF TREASURY, 1789.

In Council,
Philadeldhia, 27th Novem'r, 1789.

Sir,

I have the Honor to inform you that the Comptroller General of this State hath made considerable Progress in the Statement of the public Debts of Pennsylvania and is preparing the other Documents required by the Act of Congress of the 21st September last, and I have cause to believe that it will be in my Power to transmit to you in four weeks from this Date all the Information required by that Act.

I have the honor to be
with great respect your most obedient
and most humble Servant,

THOMAS MIFFLIN.

Directed,

To Alexander Hamilton, Esquire, Sec'y of the Treasury of the U. States.

* See Col. Rec., Vol. XVI., p. 223,225.

Alex'r McLean to Pres. Mifflin, 1789.

Bedford, 2d December, 1789.

Sir,

Having been lately informed of the death of the late Surveyor General, and having recourse to the Law, I find it required of deputy surveyors to give Bond & Security, &c. I would just observe to your Excellency and Honorable Council that in Complyance with the Law I labour under peculiar difficulties—By the late divissions of the Counties my district includes a part of Four Counties the Township of Rostraver in the forks of Yough is cut in two by the line of Allegany County—part of it yet belongs to Westmoreland, And if I apprehend the Law, it Obliges me to give Bond and Security for each county and also take the Oath of Office in Each. If your Excellency and Council are of the same opinion—I cannot at present Nominate Sureties in those Counties not having had the oppertunity of Consulting Gentlemen in either, yet in the mean time would beg leave to offer Henry Beeson & Joseph Torrence, Esquires as Sureties in Fayette County & Mess'rs George Funk & Thomas Vickroy of the Town of Bedford for that part of Bedford County, which my district contains, And on my Return home comply with such further order as may be deem'd necessary.

I have the honor to be
your Excellency's most obd't
ALEXANDER McLEAN.

Directed,

To the Honorable Thomas Mifflin, Esquire, President of the Supreme Executive Council.

Alex'r McClean to Pres. Mifflin, 1789.

Bedford, 2d December, 1789.

Sir,

I had made an appointment to meet Mr. Skinner at this place last Week to proceed on the Road from Bedford to Pittsburgh and called on Mr. Guthrie at Greensburgh not knowing of his illness, but found him unable to attend, in which Situation he has been since early in November—I there Received the Resolve of Council of the fourteenth of March last to us directed by which I apprehended the design of the legislature in their Resolution of the 21st Nov'r, 1788, was that a Road should be laid out from this place to Pittsburgh as near to a Straight line as Circumstances will admit.—And Considering the great distance, and the uncertainty of seting out on

a Random direction, I thought of an expedient to gain a direction with some degree of Certainty, which I could do without the assistance of the other Commissioners, And which I conceive would be necessary were they both present, therefore in order to gain the true situation of this place I went to the 158th Mile Post standing about 10 perches West of the Road from Bedford to Fort Cumberland, from thence by a series of Courses Traversed the Valley of Cumberland to this place and find it to be 19 *m.* 290 perches North of Mason and Dixon's line and 10 *m.* 86 perches East of the above Mile post, And my Memory aiding me in the Situation of Pittsburgh I proceeded to Calculation to find a Course to Pittsburgh & estimate it to stand 25685 perches West and 9830 perches North of this place being North 69° 27′ West 27432 perches = to 85 *m.* 232 perches, which Course I think will at least lead me into the Neighbourhood of Pittsburgh.

As the Season is so far advanced & neither of the other Commissioners come to my assistance I thought to have gone home and put it off till the 10th of April next but this evening offering fair for good weather, I have Concluded to set out to Morrow morning on the before mentioned Course and if not interrupted by excessive Weather proceed to Pittsburgh marking the way lightly so as to enable us to find it, also setting up a small stake at every quarter of Mile between Mile posts, and a post at every Mile with its Number for the Convenience of taking off or falling in as the situation of the ground may make it necessary—I could have wished for the Concurrence of Council, before I had proceeded, but time will not admit of a Moments delay.

I have the Honor to be
with great regard Sir,
your Excellencies most
obedient and Humble Serv't,
ALEXANDER McCLEAN.

Directed,
To the Honorable Thomas Mifflin, Esquire, President of Council, &c.

Evan Owen to Pres. Mifflin, 1789.

Gentlemen,

I take the liberty of informing you that in pursuance of the Authorities vested in me as Commissioner for the opening of the road commonly called the Nescopeck road; I have opened the same road so as that it may be travelled on by Waggons, &c., except the digging away of a part of Spring Mountain. That there yet remains

about three Miles unopened of the said Road. And that in conducting the Business so far as is above mentioned, I have expended the whole Amount of your Orders in my favor. And I take the liberty of adding that I am of Opinion that the Residue of the Monies appropriated by Act of Assembly for the above purposes and which I have yet reserved your Order for, will open the said Road.

I am, Gentlemen,
Your obliged friend,

EVAN OWEN.

Philada., 6 Dec'r, 1789.

Directed,

The President and the Supreme Executive Council of the Commonwealth of Pennsylvania.

FRANCIS JOHNSTON TO V. P. ROSS.—ISLANDS IN WESTERN RIVERS, 1789.

Philadelphia, 7th December, 1789.

Sir,

Pursuant to the Resolve of the Supreme Executive Council dated November 17th, 1788, granting a right of pre-emption to John Hamilton and William Wilson in and to two Islands in the Rivers Allegany and Ohio, respectively occupied by them, on condition that they would severally comply with the Terms set forth in said Resolve; I notified them of the purport thereof; Since which, I beg leave to inform Council that I have not yet received any answer, nor have they by themselves or agents complied with said Terms.

I also beg leave to inform Council that William Todd, Esq., of Westmoreland County, hath applied for a Pre-emption right to a small Island in the Alleghany River, nearly opposite to Buffaloe Creek, whose application I herewith inclose.

I have the honor to be
Your most obedient H'ble Servant,

FRA'S JOHNSTON, R. G.

Directed,

The Honorable George Ross, Esq., Vice President in Council.

Wm. Todd to F. Johnston.—Islands in Western Rivers, 1789.

Sir,

I have been informed that the Supreme Executive Council by their Resolve bearing date 17 Nov., 1788, granted a right of Preemption to John Hamelton & William Willson of the two Islands in the River Ohio, on which they had made improvements, on their paying into the Receiver's Office, by a certain limited time, 20s. pr. acre for the one, and 10s. for the other.

Finding that Council are possest of this power, I therefore beg leave to apply for a small Island, a little above the mouth of Buffalo, in the Allegany River, and a little below where the Kiskemetus River emties into the Allagany River aforesd., supposd. to contain 25 or 30 acres, haveing made a small Improvement thereon. And it being almost adjoining a tract of Land now my property, (there being little or no water running between, some seasons of the year) which is scarce of timber, with which the above mentioned Island does abound. And for which I will pay at the rate of 10s. pr. acre in Specie.

Pleas to communicate this, my application, to Council, and Receive their answer.

I am Sir, your very Humble Ser't,

WM. TODD.

To Frances Johnson, Rec'r Gen'l of the Land Office of Pennsylsylvania.

Dec. 7th, 1789.

Pres. Mifflin to Sec'y at War—Pensions, 1789.

In Council,

Philadelphia, December 7th, 1789.

Sir,

Agreeably to your request I have the honor to transmit herewith a Return of The Persons entitled to Pensions by the Laws of this State.

This Return was to have been forwarded on Wednesday last, but the Comptroller General being engaged in making out some statements for the General Assembly, could not compleat it until this day.*

With great Respect, I have the honor to be, Sir,

Your most obedient and most humble Servant,

THOMAS MIFFLIN.*

Hon'ble Henry Knox, Esq., Sec'y at War.

* List not found.—See Col. Rec., Vol. XVI., p. 224.

John Mifflin to Pres Mifflin—Lands, 1789.

Dear Brother,

The Late Proprietaries of Pennsylvania, by act passed Nov'r 27, 1789, were divested of all their Estates, &c , except their private Estates, " and likewise all the Lands called & known by the name of " the Proprietary Tenths or Manors, which were duly surveyed and " returned into the Land Office on or before July 4, 1776."

The late Proprietaries of Pennsa., directed a certain Tract of Land in Northampton County, (now called the Dry Lands,) to be surveyed and appropriated to their own particular Use. This survey and return is not now to be found.

But about 20 or 30 years ago, the Proprietaries directed a Resurvey of the said appropriated Tract to be made; which was executed by James Scull, Deputy Surveyor, and the whole Tract was by him divided into separate plantations, from No. 1 to 195, which must have been lodged in the Land Office before July 4, 1776, Because John Lukens on the 13th Day of May, 1776, did certify and return into the Secretary's Office, (in Pursuance of a Warrant dated April 30, 1776,) one of the above mentioned separate Tracts, No. 50, &c. &c. Some of the Dry Land Tenants, [at the Instigation of John Nicholson, Comptroller General, who at first secretly, but now openly avows himself their agent,] determined to contest the Right of property with the late Proprietaries aledging that having discovered some Inaccuracy in the survey, Re-survey and return; that therefore the Property is by the Act of 1789, vested in the State of whom they can purchase cheaper then they can of the Messrs. Penns, and adding that if they take a deed from Messrs. Penns, they shall be called upon hereafter, by the State to purchase of them, and therefore be obliged to purchase twice. Against some of these Tenants, Ejectments have been brought, because it was known that their objections were made by a Determination not to purchase of the proprietaries. But others of the Tenants who had really Scruples (arising from the Deceptions put on them,) and who wished to pay to those Persons who had a right to receive the Purchase Money, have not been sued; and it is these last who have signed the Memorial to Council requesting that they may be informed whether the State has any Claim to the Lands in question, and declaring their Intention of purchasing of the late Proprietaries whenever they shall be assured the State has no claim. See the Memorial—the second paragraph of which States " that Eject- " ments have been brought against the Tenants, *who refused* to " comply with the demand of the Proprietary Agent to pay for their Farms;" but the Memorialists never *refused;* they only required time untill they should be informed whether the State had any Claim. And those persons against whom Ejectments had been brought, do not even pretend that they have any right; but they alledge the

State has a right of whom they wish to purchase. But the Land Officers, Lukens & Kennedy, were both so well convinced that this was an appropriated Tract, that they never would give any encouragement to any applications for Land within the Dry Land* Tract.

In the third and 4th Paragraphs the Memorialists request Council will have an enquiry made into the Title of the Lands, and if it should appear that the State has no Claim, that they shall then immediately Purchase of the late Proprietaries, which prevent them being burthened with several Law Suits. And will Council refuse this inquiry, and oblige the Individuals to determine by Law Suits whether the Messrs. Penns or the State entitled to the Lands. The Tenants themselves pretend to no rights; but they have been informed the State has a claim, and they wish to know if that information is true. Will Council then refuse to answer them, and compel them to suffer Suits at Law to determine the *Right of the State?* I should suppose not—But rather that Council would demand the opinion of the Chief Justice or the Judges on that Point. "If the Commonwealth has any right to the whole or any part of the Tract of Land, called the Dry Land in Northampton County; this question is too important to be trusted to the Attorney General, and is therefore most proper to be determined by the Chief Justice or Judges of the Supreme Court.

I have wrote this in much haste, and without the necessary papers, which Mr. Butler has with him at Easton.

We shall see you on Wednesday Evening.

Affec. Yours,

JOHN F. MIFFLIN.

Dec'r 6, 1789.

Directed,

His Excellency, Thomas Mifflin, Esq'r.

Report on Attorney's Fees, 1789.

The Committee whom Council appointed to suggest proper sums as adequate compensation to be given William Bradford & Jared Ingersol, Esquires, for Defending the Cause of the Commonwealth in an action for Depreciation brought against the same by his Honor the Chief Justice.† Beg leave to Report:

That from the Consequences of the claim, the able and Judicious manner in which those Gentlemen defended the State from payment; Induces your committee to suggest for Wm. Bradford, Esq., £30 0 0 for Jared Ingersol, Esq., £25 0 0, therefore

* See Vol. III., p. 578, and 651 of this.

† See page 635.

Resolved,

That orders issue on the Treasurer in favor of Wm. Bradford, Esq., for £30 0 0, in favour of Jared Ingersol for £25 0 0,* being their fees from the Commonwealth on sd. action in full, and every expence attending said Tryal chargeable on the State.

Work House Calendar, 16 December, 1789.

No.	Names.	By whom Comm.	When.	Crimes.
		Convicts.		
1.	Mary Coningham,	City Court,	July, '88.	Larceny.
2.	Mary Williams,	Qr. Sessions,	June, '89.	Do. time expired.
3.	Isabel McKeever,	Mayor's Court,	Do.	Rec'g stolen goods.
4.	Eliz. Mooney,	Do.	27 Sept.	Larceny.
		Vagrants.		
5.	Elen Armstrong,	Ald. Bedford,	1 October.	Susp. of Larceny.
6.	Jane Mooney,	Do.,	6 Novem.	Do.
7.	Arth. Noble,	The Mayor,	23 Do.	Disorderly.
8.	Thos. Oakley,	Do.,	25 Do.	Do.
9.	Eliz. Card,	Do.,	28 Do.	Do.
10.	Thos. Glen,	Do.,	30 Do.	Do.
11.	Geor. Henry A. Sailor	Ald. H. Baker,	1 Decem.	Do.
12.	Jas. Connely,	Ald. Swift,	15 Do.	Do.
13.	Sam. Watts,	Do.	Do.	Begging.
		Apprentices & Ind. Servants.		
14.	Job, a Negro,	The Mayor.	6 Octob.	Refusing to Work.
		Slaves.		
15.	Ann Atkins,	The Mayor,	7 Decem.	Absconding.
16.	Sam. Johnson, Negro	Judge Bryan,	13 Do.	Claiming to be a freeman.
		Detained to work for their fees.		
17.	Alex'r Gardner,	Since.	23 Octob.	
18.	Pattr Dalton,	Do.,	17 Nove'r.	
19.	Rob. Wallace,	Do.,	30 Do.	
20.	Jas. Halfpenny,	Do.	15 Decem.	
		On suspicion of being a runaway slave,		
21.	Isaac Carney.	Just. Pollard.	14 Nov'r.	
		A Vagrant omitted above.		
22.	Morris Nagle.	Ald. H. Baker.	18 Nov'r.	Disorderly.

LEWIS NICOLA.

* Col. Rec., Vol. XVI., p. 226.

Christian Febiger to Pres. Mifflin, 1789.

His Excellency The President, & the Honble. Supreme Executive Councill.

Gentlemen :

Hurry of Business, from the first moment I was authoris'd to act as State Treasurer, is the only Apology I can make for not haveing, ere this, address'd your hon'ble Board. I Knew it a Duty incumbent on me for many Reasons, & yesterday I stole the first Leisure moment personally to attend you; But, to my Mortification, Councils had adjourn'd, & I had only an Opportunity of conversing with a few remaining Members.

A full Confidence in your wonted Goodness towards me indulges a Hope that you will pardon an apparent Neglect, & believe that it has not, 'till now, been in my Power to lay before you the following State of Facts relating to the Office I have the Honor to hold.

When I receiv'd the Chest of the Treasury from David Rittenhouse, Esqr., it contain'd only some old continental and other, at present, useless Money, and a few pounds belonging to the State Lottery, appropriated to a particular purpose, of which I have render'd an Account to the Register General. I receiv'd no Monney on any other Fund. Demands were instantly made on me; I have endeavour'd to answer them as far as I could, Butt I labour under many Difficulties in the Discharge of my Duty, which I hope it is in your Power to remedy, Vizc. :

1st.

A Number of Warrants & Orders from the different Departments of Government, and on different Funds, have been indiscriminately taken and paid by Revenue Officers, without attending to the Funds, and brought to the Treasury in Lieu of Monney.

2nd.

Notes issued by David Rittenhouse, Esqr., late Treasurer, for Interest, etc., are brought & pass'd in the same Manner.

3d.

From long Practice, publick Creditors have, and still continue, under various pretences, (particularly of getting the so called new Loan Exchang'd by the Comptroller General) to bring their Certificates, get them enter'd and Interest indors'd on them, as if paid without getting or giveing Receipts. The Interest on those, also, is, in many Instances receiv'd without passing through the Treasury, & the Treasurer constrain'd, to the Injury of many, to pass it to the Credit of the Officer who brings them, he haveing previously advanc'd the Monney.

4th.

It is too common a Thing, without Knowledge, Notice, or Entry of the Treasurer, to lodge Warrants, Orders & Certificcates with Revenue Officers in order to secure Priority of Payment, and many have been brought to me from distant Parts.

5th.

This Practice of Discount has become so general, that Men, and some of publick Caracter, will watch for Persons bringing Monney to the Treasury, either come with them, or get the money from them, come to the Office, present Warrants or Orders drawn on different Funds, demand Payment out of the Monney brought, or take it away again.

I have already been menac'd more than once in this Manner, & in Order to obtain the Ballance, oblig'd to comply.

These, and many other Irregularitys with which I am yett unacquainted, have, in my Conception, been the Cause of the Miss-applications so generally complained of, nor will it ever be in my Power to Keep the Funds separate and distinct, or apply them as they ought to be, unless those Evills are remedied. It's true a great Deal may be done to accomodate; Butt the Consequences of carrying those Accomodations too far is severely felt. In all Governments, as far as my Knowledge extends, the Payment of the civil List is a primary Object of the Financier, and Funds for that purpose first provided. During the short Period I have been in Office, Necessity has Compelled me to misapply Monney for the Support of Government, and depend on the precarious Products of other Funds to replace it.

When the Convention rises, I shall, without, the Interference of your Excellency & the hon'ble Board, be in the Same disagreeable Dilemma. Permit me, therefore, Gentlemen, to submit the foregoing most respectfully to your Consideration, and beg that such Order may be taken thereon as in your wisdom shall seem meet. Any Directions that I may receive in Consequence shall be strictly adher'd to. I have the honor to be, with every Sentiment of Duty, Gratitude, Respect & Esteem,

Gentlemen, your most obedient,
and most humble Serv't,

CHRISTIAN FEBIGER.*

P. S.—I beg Leave to accompany this with a Sketch of the Demands now on the Treasury, and to suggest the Necessity of the different Revenue Officers being call'd on to bring in Monney.

Indorsed,

Read in Council Decr. 19th, 1789.—Read 2nd time Decr. 21st. See minutes of that date for instructions.

* See Col. Rec., Vol. XVI., p. 237.

David Kennedy to Pres. Mifflin—Lands, 1789.

Sr.,

Jonas Hartzel, Esqr., hath made Application for a Warrant for 90 A's of Land joining Land of Geo. Gross, John Hunter and Mathias Witknight, in Nazareth Township, in the County of Northampton, Certified to be improved in May, 1749. Mr. Hartzell, at the time of giving in the Application informed me the sd. Land was part of the Lands commonly called the Dry Lands, which are claimed by Messrs. Penns. I therefore had some Doubts as to the propriety of issuing a Warrant, & shall be much obliged in having the Direction of Council.

I am yr. Exc'ys most obedient, humble Servt.,

DANIEL KENNEDY.*

1789, Decr. 19th.

Indorsed,

Read in Council and referred to Doctor Gregg, Mr. Edie, and Mr. Smith. Committee's Report—Read in Council January 2nd, 1790, and adopted.

Report on foregoing, 1789.

The Committee to whom was refer'd the letter of David Kennedy, Esqr., respecting an application for a Warrant by Jonas Hartzel, Esqr., of Land in Northampton County, commonly called Dry Lands,† Beg leave to Report,

That it appears to your committee to be business particularly belonging to the Land office, & that any direction from Council to the Land Officer would, in their opinion, be Improper.

Observations of John C. Stroebell, on the Lower falls of Schuylkill, 1789.

Observations on the lowers falls of Schuylkill, to render them more easy navigable.

Finding the generality of rivers on this side of the Allegahny mountains, to form in the greatest part of their course, either long bodies of dead and slow flowing waters, or rifts and shoals, and very frequently rapids and falls, which render them more difficult for navigation, than the rivers in general are in the old countries, the

* See Col. Rec., Vol. XVI., p. 237.

† See page 647, and Vol. III., p. 635.

greater part of them flowing with a gentle current, like our great western rivers, it is not to expected that the common mode of navigation can be advantageously applyed to those rivers, without the enormous expence of a multitude of locks, as some parts, for a distance of miles, are of such slow motion, that one horse or mule, or two men, would be sufficient to draw a boat laden with 25 or 30 tons, and other parts run so rapid, for short spaces, that 10 horses or 30 men would be insufficient to advance the same burden against the current. It has therefore been thought necessary in attempting to carry a load against the stream of these eastern rivers, to apply a machine, by the help of which the moment of power may be increased, according to the opposition that is to be overcome, without having need to increase the indensity of the power. This machine is humbly proposed to be two water wheels, & two boat wheels, connected by one common axis, round which a rope is to wind, that is to be fastened above the falls. To pass these rapids, with the complete machine, without manual labour, it is necessary, that the common passage for boats should be 5 or 6 feet wider, than would be required without the water wheels. But where this space cannot be acquired without great expences, a common narrow passage will serve, but then the water wheels are to be taken off from the axle, and the men have to turn the inner boat wheel, and so advance a loaden boat against the falls, without requiring a greater number of hands than are at present employed in navigating an empty boat against the current.

The lowermost or what is called the great falls of Schuylkill, present an instance of these two modes, to ascend with or without the water wheels.

The present open and common passage, through which boats and rafts descend, gives sufficient room for the water wheels to work and advance a boat, when the river is not too high. But in this present season, there is on some places not 15 inches depth of water, and in other places a few large stones and some projecting rocks obstruct the passage, these rocks may be easily lowered, and the large stones removed, but a sufficient depth of water in the lower part of the falls, is only to be obtained, by contracting that part which is nearly three times wider, than what is necessary for the passage of a wheel-boat or a raft. The best mode of contracting or deepening this part would be, by laying a quantity of stones where the course of the water is to be obstructed, these stones should be shaped like a wedge of the thickness from 9 to 15 inches on the thickest part, laying the edge part flat against the current, no swell of water would move them in this state, and in time of freshes, ice, logs and trees would slide over them without obstruction. There are also in this passage two sloping rocks, over which the water rushes so rapid, as to diminish its depth too much in a dry season, and to form too high waves in time of a fresh; these inconveniencies might be greatly remedied by laying some large stones of the same shape, as described above,

immediately behind the sloping rocks, this would prevent the rapidity of the water, and remove that concavity that forms the wave. To lay these triangular stones firm, and to form them to be immoveable by the current, one or two men that are expert in cutting stone with the pickhammer, should be employed, to give them their proper shape. There is also to be considered, in what time of tide this passage shall be navigable in the dry seasons, for if it shall only be navigated at the time of high water, much less work will be necessary, than if it should be made navigable at any time of the day.

The narrow channel through which the boats ascend in time of freshes, is cut between large rocks, and is at present in some parts too narrow, at others too rapid, and at the upper part too shallow for navigation These impediments might be removed in deepening its bed at the head, which for the length of near two hundred feet, appears to be obstructed mostly by loose stones, the parts which are too narrow, might be widened with very few blasts of gunpowder, but to prevent its sudden descent and rapidity below the narrows, there its bed should be raised with large flat stones, which are very near at hand, and thus the gradual descend of the water might be extended, from the head to the tail of that channel, for the length of near 550 feet. To prevent the both channels from intruding upon each other, the stone wall, which separates them at present, should be more close, higher and covered with large flat stones.

Here is to be observed, that according to the hydrostatic laws, a current, such as the lower falls of Schuylkill, running down an inclined plane of 5 feet high and 300 or 400 feet long, when shallow, so as not to be above 2 or 3 feet deep, having a rough bottom, will not move with the force and rapidity, which it would have, if it would move over a smooth inclined plane of the same heighth and length; for as the lower water at the bottom is retarded by the roughnesses in its channel, and that communicates with the water immediately above it at the surface, their both velocities come near to an equality. But when the surface is raised by a fresh, so as to be 5 or more feet above the bottom, then the water at the surface and that at the bottom do not intermix so often, and the surface will run with near the same force and rapidity as if it fell immediately from a 5 feet perpendicular height. This case will render the channel impassable for a loaden wheel boat, for it would require too thick a rope to hold it, it would be in danger of filling during its slow passage through the waves, or its head might be burried under water.

In this state of the broad channel, the narrow channel should be passable. This might best be effected by leaving its bed from 10 to 20 inches higher, than the bed of the broad channel, this may save the expences of deepening it, and will give it less rapidity in time of freshes, this channel will have several angles, which will break its velocity, likewise, it may be left rough at the bottom, which will

also diminish the force of its current, but the principal prevention from becoming too rapid, is the state of two large rocks, between which the water has to pass at the head of this channel, these two rocks rendering the passage narrow, will admit no more water than what may be navigated with a loaden boat, by help of the half of the machine.

In the execution of this plan, it would be most advantageous, to have at the beginning but very few persons employed and to subject them under the immediate inspection and direction of a supervisor, who should not only be acquainted with the mechanic and hydrostatic laws, but he should also have a practical knowledge of quarrying stones, he should be acquainted with the different nature of the various kinds of stones, that he might be actually directing and showing to manage and break them to the best advantage. When he finds one hand or another to be docile, and able to do his work without the constant presence of the director, he may give such a man two or three hands to help, and be directed again by him, and in this manner, the number of hands may be gradually increased, according to the quantity of work that is to be done in a certain space of time.

To reserve a choice for the most capable and most ingenious supervisor, none whose skill is to be tryed, should be appointed for any certain time, nor have a certain salary affixed for him, but according to his merits, which will show itself from time to time should be rewarded and continued.

This is the humble opinion of

JOHN C. STROEBEL.

ALEX'R HAMILTON, SEC. TREAS'Y, TO PRES. MIFFLIN, 1789.

Treasury Department, 31st Dec'r, 1789.

Sir,

I have the honor of your letter of the 28th instant, inclosing one to you from the Comptroller General of your State. I can only regret, that my delay has accrued, and take it for granted, that the business will receive all the dispatch which may be practicable.

I shall be sorry if any inconvenience results to the public Creditors of your state from the cessation of the payment of Indents within the State; but I considered myself as going very far when I determined to continue such a number of officers at the public expence, perhaps in strictness, without authority, for the sole purpose of paying indents, even to the end of the present year, especially, as so much time had elapsed, during which the Creditors might have availed themselves of the provision. I will only add,

that the exchanging of old certificates for new ones, and paying of Indents at the Treasury will go on as heretofore.

I have the honor to be,
With great respect, Sir,
your obedt. hble. Servt.,

A. HAMILTON,
Sec'y of the Trea.*

Directed,

His Excellency, Thos. Mifflin, Esq.

JOHN NICHOLSON, C. G.—ON PURCHASE OF ERIE, 1789.

In Pursuance of an agreement between the United States & the State of Pennsylvania for the Tract of Land contained in the interval between a Meridian Line run between Lake Erie and the State of Pennsylvania, and the Boundaries of the States of New York and Massachusetts, at the rate of three-fourths of a Dollar per Acre, payable in Gold or Silver, or in public securities of the United States, bearing Interest when the quantity is ascertained by actual Survey. In the manner prescribed by a Resolution of Congress of the 7th of June, 1788. An Act of the Legislature of Penns'a passed the for Compleating the said purchase, now that the Survey hath been so made and returned, and in virtue of authority from his excellency The Governor of Pennsy'a to me to state and adjust the account of the Sum to be paid by the State as aforesaid.

I state the Account Following, viz.,

The Commonwealth of Penn'a To the United States, Dr.

For the purchase money of the Territory & Tract of Land bounded as follows, viz., on the South by a Line lately run for the Northern boundary of Pennsy'a agreeable to Original Charter, on the West and North by Lake Erie, and on the East by a line which divides the said territory from the State of New York, of which Tract a survey and Return hath been made and returned into the office of the Secretary of the Treasury according to Resolution of Congress, whereby the same is found to contain 202,187 acres, which at ¾ths of a Doll'r per Acre payable according to the terms of the Contract in Certificates of the Debt of the United States bearing an Annual Interest of 3 per Centum is - - - - - - - - - - 151,640¼ Doll'rs.

Signed,

JNO. NICHOLSON.
in behalf of Penn'a.

* See Col. Rec., Vol. XVI., p. 244.

Robert Galbraith to Council—Road, 1790.

Gentlemen,

Agreeably to a Contract made with your Hon'ble Board in Sept. 1780, I have proceeded to open the Road from Frankstown in Huntingdon County to the Mouth of Black Lick in Westmoreland County & having compleated the Same as will appear by the Inclosed Certificates, take the liberty of requesting a performance of the Contract. I also beg leave to inform your Hon'ble Board that at the time I undertook this Business it was with a full conviction that the distance was no more than forty three miles agreeably to the Draught made by the Com'rs. appointed to lay out the Road. Whereas the real Distance measured after Compleating the Business (the Chain carriers being previously Sworn) is fifty four Miles, & the Com'rs in Surveying the Road after Running Several different courses laid down the Draught in a straight line from the first to the last which will appear by a copy of the field notes obtained from Mr. Harris one of the said Com'rs & herewith transmitted, I was consequently Obliged at a considerable expence to do what they have already been paid for in addition to the expence of Clearing the Road eleven Mile further than I had any Idea of when I made the Contract, Confident of the justice of your Hon'ble Board, I appeal to it On this Occasion, Should any further Information on the Subject be deemed necessary I will be happy in laying it before you or any committee appointed for that purpose.

I have the Honor to be your
Excellency & Council's most
Obedient & Humble Servant

ROBERT GALBRAITH.*

Jany. 4th, 1790.

Directed,

His Excellency the President & the Supreme Executive of the Commonwealth of Pennsylvania.

Field Notes of Road from Frankstown to Conemach, 1787.

Field notes of a road laid out from Frankstown to the river Conemach August 1787. Beginning at a Buttonwood on the Branch of Juniatta near Dan. Titus, thence S. 57 W. 102 to a W. A., S. 83 W. 110; S. 76½ W. 707 to a W. A., S. 82 W. 136; N. 77 W. 206 S. P. A., thence up near Blairs run N. 55, W. 68; west 22, N. 60, W. 542, N. 80, W. 180, N. 30, W. 320 to a Beech, N. 70, W 210,

* See Col. Rec., Vol. XVI., p. 252, 256.

N. 50, W. 60, S. 82, W. 100, N. 50, W. 180, N. 23, W. 40 to a Beech on the top of Allegany Mountain, N. 77, W. 44, S. 74, W. 140, N. 45, W. 60 to a branch of Clearfield, 150 [?] to an Ash, S. 87, W. 140, S. 80, W. 290 to a Beech at Robinsons improvement, west 20, [N. 60, W. 80, N. 50, W. 106, N. 74, W. 260 to a Sugar tree] the last four lines to be straighted, the bearing & Dist. is N. 70, W. 512, to a Sugar tree west 40 [N. 70 W. 80, S. 32, W. 120] the two last courses to be made one S. 88, W. 86 to a Beech (say S. 58, W.) N. 58, W. 62 a Spruce, S. 32, W. 96 a Sugar tree, South 120 a Beech, S. 38, W. 90, S. 25, W. 40 to a Maple, S. 10, W. 114 Beech, South 28, S. 20, W. 114, S. 52, W. 36 to an Ash, N. 25, W. 40 to a Beech over the north Branch of Conemach above the Great Elk-Lick, S. 65, W. 42 Cherry tree, N. 85, W. 140 Beech, S. 75, W. 140 to a small branch of Connemach running South'wd 620 to a Ch't, W. 550 Sugartree, N. 65, W. 160 to another small branch of Connemach, 380 to a Beech [N. 45, W. 628, S. 55, W. 160 to a] Red A., the last two courses to be made one viz.—N. 58½, W. 675 to a Red A., west 200 to a small branch of Connemach, 600 to a W. A. on the top of Laurel Hill, [S. 55 W. 230, South 154,] these two to be one, call it S. 34, W. 340, there appears to be a long Course omitted, S. 48, W. 160 to a P. A., N. 75, W. 40 to a Maple N. 59, W. 224 W. A., N. 32, W. 30 to a Chesnut, N. 63, W. 191 to a W. A., the last course is not marked from the Chestnut to the W. A., S. 81, W. 286 to a B. A., N. 60, W. 156 to a S. P. A. [N. 80, W. 84, N. 23, W. 16] these two make one viz. N. 72, W. 94, N. 11, W. 32, W. A. N. 50 W. 60, N. 85, W. 132 to a W. A. [N. 73, W. 164, N. 17, E. 28, to a W. A.] N. 64, W. 164, make the last two one [N. 65, W. 66, S. 61, W. 122, N. 79, W. 116, S. 85, W. 150 over a small branch of B. L., S. 70, W. 92 to a Ch't] make the last five courses S. 84, W. 520, one west 52 to a Ch't [N. 80, W. 132, S. 81, W. 80, S. 67, W. 146,] the last three to be made one, N. 83 W. 370, N. 80, W. 118 to a B. A. S. 70, W. 93, N. 72, W. 300, S. 85, W. 230 S. 85, W. 46, S. 75, W. 92 to a B. A., S. 88, W. 344 to a Ch. A. S. 82, W. 168 to a W. A., S. 72, W. 223 there is several short Courses omitted here to a W. A., S. 58, W. 80 to a W. A. at the round top N. 68, W. 308 to a W. A. in Stewarts field the last line not marked in the woods, N. 75, W. 150 to a Walnut, S. 77, W. 44 to a P. A., N. 71, W. 80 W. A., S. 80, W. 228 B. A., S. 66, W. 260 B. A., N. 78, W. 248 to a W. A. on the Bank of Connemach about 40 perches above the mouth of Black Lick.

—

Certificate No. 1.

We do Certify that we have travelled the new Road Opened by Robert Galbraith from Frankstown Over Allegany Mountain & found it well finished both as to digging & Bridging, & was in Company

with a waggon who Crossed the mountain with us & found no difficulty, But seemed to go over with ease. Witness Our Hands this 24th, Day of November 1789.

JAMES KARR.
DANIEL TITUS.

No. 2.

I Do Certify That I have Travelled the New Road opened By Robart Galbrath, Esq., from Frankstown to Conomaugh, and found it sufficiently opened, and found the Diging and Bridging Compleatly finished whare it was Nesary and Likewise Drove My Waggon with upwards of Twenty Hundred over the Alegany Mountains with Ease Nor Did I find any dificulty in any Parts of the Road so far as I had ocasion To travel it. Witness My Hand this Thirtyeth Day of November 1789.

MIC'L M'GUIRE.

No. 3.

I Do hereby Certify that I have traveled the New Road opened by Robert Galbreath, Esqr., from Conamagh to Franks Town and has found it sufficiently opened digg'd and Bridg'd so that horses & Wagons may pass and repass, one wagon I have seen that had came from Frankstown to the west side of Laurel Hill and heard no Complaints. Given under my hand this first day of December 1789.

JOSEPH M'CARTNEY.

Comptroller General to President Mifflin, 1790.

Comptr. Genls. Office, Jany. 7th, 1790.

Sir,

I was honored with the perusal of the letter of the 31st ult., addressed to your Excellency by the Honorable the Secretary of the Treasury of the United States.

As that part which relates to the issue of Indents for interest on certified debts of the United States untill the end of the year 1787, affects the interest of this State and the Citizens thereof very materially, I beg leave to address your Excellency and the Honble. the Executive Council, on the subject.

First, with respect to *the expediency* of the measure of continuing to pay interest in the several States, the Secretary appears from his letter not to be acquainted with the real situation of this State and the public Creditors therein. Under an Act passed in March, 1786,

the public Creditors divested themselves of their Certificates, and delivered them on loan to this State, taking the paper of this Commonwealth in lieu thereof. As soon as this State could (and if the history of this business is looked back upon, it will be found that impediments were thrown in the way thereof by the Board of Treasury under the former government of the United States) I say as soon as the Loan Officer would commence the payment of Indents for the State, I furnished him with Certificates upon which we were entitled to receive interest, and ever since have continued from time to time to keep some in his hands for that purpose, and at present he hath a considerable number yet unfinished, altho' the interest yet remains unpaid upon such a quantity of what are in my possession, as I believe would occupy Eighteen months or two years of an Officer with one or two Clerks busily employed therein alone for that period of time, therefore no delay or indifference hath happened on the part of the State. And on the part of the public Creditors, it was not untill March, last, that their Certificates could by law be returned to them, and when that Act passed they were yet entitled to receive more interest from the States upon the State Certificates they held, and this operated as a powerful motive with them to retain them untill they had obtained from the State all that they could, so that it was not untill the close of October, or the month of November, that the individuals pressed to exchange and take back their Certificates of the United States; since that, whenever Mr. Smith has had Indents, they have not omitted to avail themselves of the provision. If, as they come to settle with me, they cannot draw the facilities from the United States, the greater part of original Creditors, especially from the Country, will be unable to raise money or possess themselves of them at all. It is in vain to say they may have them at New York, the expences of a Journey for them, with the loss of time, would amount to more, in many cases, than the value of the whole of the interest.

If these observations are true, it will be impolitic in the Legislature of the Union to abolish the Loan Office in this State, at least for some length of time to come. The business, if it is to be done at all, will occupy the same length of time in one place as another, and the most convenient to the State or to the people should certainly be preferred.

In the next place, I should conceive that according to the distribution of the powers of the General Government, it is out of the province of the *Executive* of the Union, or any *branch thereof* to *continue* or *abolish* offices at pleasure. The Secretary seems to think the Loan Officers have been continued by him, but I think they have owed their Continuance as well as the Commissioners of the General Board of Accounts, and other officers of the United States in virtue of their former appointments under the late Congress. The Loan Officers continued and acted under the present form of general government before the Secretary of the Treasury

was appointed; and I think it is a principle agreed to generally and recognized by the General Legislature, that the Acts and if the other acts, the appointments of the late Congress are in force under the present Government of the United States untill altered by those to whose branch it belongs in the distribution of the powers by the Constitution thereof. Nothing but the truth of this position and the exercise of it, would justify the emitting a paper medium on the faith of the United States, and paying the interest on the debts of the Union, which acts of sovereignty must also be attributed to the Secretary, if the Loan Officers by whom the Indents have been issued and the interest paid out under his authority only. If one part of the Ordinance of Congress ceases to have operation under the present Government, so will another.

I have the honor to be,
with high respect Sir,
your most obed.,
very humble servant,
JNO. NICHOLSON.*

January 6th, 1790.

Directed,
His Excellency, Thomas Mifflin, Esqr., President in Council.

D. Brodhead, S. G., to Pres. Mifflin—Death of Genl. Potter, 1790.

Surveyor Gen'ls Office, Jany. 11th, 1789.†

Sir,

The District No. 6 in the New Purchase is become vac't by the demise of Gen'l Potter, and Mr. Robert Galbraith has been recommended to me as a suitable person to do the surveying in it.

It is necessary that a Deputy should now be appointed to whom persons having rights therein may apply (and no application having been made by any of the decedants family) I take the liberty to recommend Mr. Galbraith to the Honorable the supreme Executive Council.

I am, Sir, with perfect respect,
your obed. Serv't,
DANIEL BRODHEAD S. G.

Directed,
His Excellency the President in Council.

* See Col. Rec., Vol. XVI., p. 252–3.
† Should be 1790—See Col. Rec., Vol. XVI., pp. 256, 258.

T. McKean and Geo. Latimer to Pres. Mifflin, 1790.

Philadelphia January 13th, 1790.

Sir,

Mr. James Potter, son of General Potter deceased, applies to your Excellency and Council for the appointment of Deputy Surveyor of the district in the new purchase, which was held by his father. As this young Gentlemen executed most of the business in his father's lifetime, and knows the several tracts which have been surveyed, we humbly conceive it would be for the public advantage should he be appointed to this office; all interfering surveys might thereby be prevented, and of course many controversies among the people having warrants there avoided.

We beg leave, Sir, to recommend Mr. Potter as a person well qualified for the station he solicits. He wrote to us on this subject on the 10th of last month, but by some unaccountable delay his letters did not come to hand until this week, otherwise we flatter ourselves there would have been no embarrassment in the affair. Mr. McKean incloses the Lr. he has received on the occasion.

We have the honor to be, Sir, with
great regard your Excellency's & the
Council's most obedient, humble servants,

THO. McKEAN,
GEO. LATIMER.

Directed,
His Excellency Thomas Mifflin, Esq.

James Potter to Chief Justice McKean, 1790.

Penn's Valley 10th Dec. 1789.

The Hon'ble Thomas McKean, Esq.,
Sir,

Doubtless before you receive this you will have heard of the death of my Father—The district in the new purchase for which he was surveyor will of Course be vacant—I presume that from my Knowledge of that Country & Experience in the surveying Business if I was appointed to succeed him in the district I could do the Business as much to the satisfaction of the public as any other man—My age & close Confinement at Home have prevented my being able to make many Friends in Philadelphia & my situation renders it impossible for me to go there at present—I must therefore sir, presume so far on your goodness as to solicit your Interest in obtaining me this appointment. I flatter myself I shall merit your approbation & give general satisfaction in the Discharge of the office—your attention sir in this affair will lay lasting obligations on your Friend & most obed. svt.

JAMES POTTER.

D. Brodhead to Pres Mifflin, 1790.

Surveyor Gen'ls office, Jany 13th, 1790.

Sir,

Since I had the Honor of recommending Mr. Galbraith for the district of late General Potter, his son waited upon me & requested that, as he had done the greatest part of the business in that district, he might succeed his Father in the Deputation. Had Mr. Potter applied earlier or even signified to any of his Friends, a wish to have the District, he would have had a preference. But as the recommendation of Mr. Galbraith is now before the Honorable the supreme Executive Council, I conceive that any other step than what I now take would be improper, with the advice of that Honorable Board.

I have the Honor to be with perfect
respect Sir, your most obed't Servt.

DANIEL BRODHEAD S. G.

Resignation of Nathan Kingsley, Justice of Peace, 1790.

To his Excellency the President, and the Supreme Executive Council of the Commonwealth of Pennsylvania.

Nathan Kingsley, of the County of Luzerne, commissioned one of the judges of the Courts of Quarter Sessions & Common Pleas for the County aforesaid, finding it impracticable many times, by reason of high water, to attend Courts, and living sixty miles from the County Town, joined to the smallness of the fees allowed him in this behalf, is obliged, from necessity, to inform Council that he cannot in future serve in his aforementioned capacity. Were his abode nearer than what it is at present to the County Town, he would not think of resigning his office, but would continue in it with pleasure and satisfaction. The fall and Spring sessions happen at a time in which the Waters are high, and of consequence make his traveling not only expensive, but very difficult & dangerous. The time of attending, coming to and returning from Courts, takes up so considerable a part of the seasons of Summer and fall, that he is obliged to neglect his agricultural pursuits, to the singular injury of his intrist. From these considerations, he desires Council to accept his resignation and take such other Order in directing the choice of another Judge in his District as to them shall seem meet.

NATHAN KINGSLEY.*

Wilksbarre, Jan'y 14, 1790.

* See Col. Rec., Vol. XVI., p. 269.

D. BRODHEAD, SURVEYOR GENERAL, TO PRES. MIFFLIN, 1790.

Surveyor Gen'ls Office, Jan'y 20th, 1790.

Sir,

I have appointed Mr. James Potter, deputy Surveyor of District number six, in the new Purchase become vacant by the death of his Father, and submit his appointment for the approbation of the Supreme Executive Council.

I have the Honor to be, Sir,
your most obed't Serv't,
DANIEL BRODHEAD, S. G.*

Directed,
His Excellency the President in Council.

PRES. MIFFLIN TO SEC'Y OF TREASURY U. S., 1790.

Philada., 26th Jan'y, 1790.

Sir,

I do myself the Honor to transmit to you A Statement of the public Debt of Pennsylvania, & of the Fund provided for the payment thereof, as required by Act of the Congress of the United States of the 21st Sept. last.†

An Account of the Loan Office Certificates & other public Securities of the United States in the Treasury of the State, will be transmitted in a short time.

I have the Honor to be,
with perfect Esteem, Sir, yr. obt. Serv't,
T. MIFFLIN.

Alexander Hamilton, Esquire, Secretary of the Treasury of the United States.

CAPT. JOHN P. SCHOTT TO EXECUTIVE COUNCIL, 1790.

The Supreme Executive Council.

Gentlemen:

You have been pleased to astablish a Troop of Light Dragoons for this County, and have Commissioned me to Command the same; but as the County is but poor yet, those who Ingaged to serve in

* See Col. Rec., Vol. XVI., p. 256, 257, 258, 261.
† See Col. Rec., Vol. XVI., pp. 265--6.

the Troop are not able to furnish themselves with Swords & Pistols, as they can't get them without Cash; and where, as they are in the line with other Melisha, do request your Honourable Board to furnish us with forty Swords & pistols, a Standard and Trumpet, and I will account for the same; and am, with the Greatest Respect,

Gentlemen, your Most Obedient
and Most Humble Servant,
JOHN P. SCHOTT.

Directed,

Supreme Executive Council, ℔ Hon'ble L. Butler, Esqr., Philadelphia.

Indorsed,

1790, January 29th. From Captain John Paul Schott. Read January 29th, 1790.

Sec'y Treasury U. S. to Pres. Mifflin, 1790.

Treasury Department, Feb'y 3d, 1790.

Sir,

I am honored with the Receipt of your letter of the 26th of last month,* inclosing a Statement of the Public Debt of Pennsylvania.

Be pleased to accept my acknowledgments for the attention you have paid to this subject, and to believe me, with Sentiments of perfect respect,

Your Excellency's Obedt., hble. Serv't,
A. HAMILTON,
Sec'y of the Treas'y.

His Excellency Thomas Miffin, President of the State of Pennsylvania.

Maj. Thos. Proctor to Pres. Mifflin—Washington's Birthday, 1790.

Sir,

I have thought it my duty to acquaint your Excellency, and the Honourable The Executive Council, that the 11th Instant† will be the birth day of the Illustrious the President of the United States of America—and should it be thought expedient by your Hon'ble

* See page 663.
† Old style.

Body to announce the same by a certain number of Discharges from 12 pdrs., your Excellency will be pleased to signify the same to

your Excellency's Obedient Servant,

THOMAS PROCTOR, Major.

Philadelphia, Feb'y 3d, 1790.

Directed,

His Excellency Thomas Mifflin, Philadelphia.

RESOLUTION OF ASSEMBLY, 1790.

State of Pennsylvania.
In General Assembly.

Wednesday, February 10, 1790, A. M.

On motion,

Ordered, That Mr. Lutz be added to the Committee appointed December 8 last, to confer with Council on the subject of a defence of the South West frontier of this State against the hostile incursions of the Indians.

Extract from the Minutes,

PETER Z. LLOYD,
Clerk of the General Assembly.

LIEUT. BENJ. ELLIOTT TO PRES. MIFFLIN, 1790.

Huntingdon, Feb y 11th, 1790.

Sir,

Rec'd your Letter dated Dec'r 24th, 1790, [1789] a few days ago pr. the hand of Mr. Alexander M'Dawl, requesting me to give an acc't of my official transactions as Lieut't of Huntingdon County, as far the [same] should be communicated. I am at a loss to know how far that may extend; however, will give you such Information now, and at all times, agreeable to your request, as you may think necessary. I was commissioned the thirtyeth day of Novr., in the year 1787, while a member of the Convention for ratifying the Federal Government; it was some time after before I came home to enter on the duties of the Office. Against the May following, had one Batalion aranged, and they had Chosen their Officers, tho' not commissioned; they met, some for the purpose of doing their duty, & others for the Purpose of making a Royet which they effected about the Federal Government, in which Royet I was very ill used by a senceless Banditti, who was inflamed by a number of false Publications that had been

Privately circulated by people who was eneymies to the Federal Government.

This ferment was kept up for better than a year by some designing Character, who is now bound over to the first Supreme Court in this County. For these reasons, & not being soported by Government, had it not in my power to git the Malitia of this County Properly Organized until Octr., 1789, at which time the second Batalion did not Muster, not from any Contempt, but for want of being notifyed by their Colonel, who was indisposed at the time he should have notifyed them.

Our Malitia is now in midling good order, as will appear by the Inclosed acc't, which I wish transmitted to the register & Comptroler when you have taken a Vew of them. As for any observations on the Malitia Laws is a task that I am not competent to; however, think that part of the Malitia Law that Subjects Officers to tryal by a Court Martial for not notifying their Batalion or Com'y, might be improved by ading a fine for dillinquincies of this kind that could not be altered by a Court martial. Degrading & Casheering don't answer the Purpose with a Number of the Present Malitia Officers, who are men, perhaps, that have a very Contemptible opinion of the Word Honour—am of opinion that the present Government will make an Improvement in the Choice of Malitia officers, which, I hope, will, in some measure, answer the objection that I have pointed out to one part of the Malitia Law.

I am, Sir, your Excellency's
most obedient Servant,

Directed, BENJ'N ELLIOT.

His Excellency Thomas Mifflin, Governor of the Commonwealth of Pennsylvania.

Hon'd by Mr. M'Martree.

THOMAS RYERSON TO PRES. MIFFLIN, 1790.

Assembly Room, 11th Feb'y, 1790.

Sirs,

I have the Honor to inform you, that in pursuance of a resolution of the General Assembly of the 8th Decmr. last, the Committee appointed "to confer with Council on the subject of a defence against the hostile incursions of the Indians on the South-west Frontier of this State," are ready to attend to that business whenever Council shall signify their pleasure concerning the Premises.

I have the honor to be,
with great respect, Sirs,
your most obed't Serv't,

Directed, THO. RYERSON.

The Honble. The President & Supreme Executive Council of Pennsylvania.

JUDGES M'KEAN AND ATLEE TO PRES. MIFFLIN, 1790.

Philadelphia, February 15th, 1790.

Sir,

The Judges have been informed, that a negro man, named London, the slave of Major James Dixon, of Dauphin county, is confined in the goal there for killing by a kick in the groin, a poor man named Jacob Groce in last month; and that a speedy trial is desired, for fear of escape, the goal at Louisburgh not being finished.

As there is no other occasion for the Judges to go into that county at this time, nor probably will be until next Autumn, and the expence to the county would be too considerable for them to go there for the trial of a single prisoner, they humbly submit to your Excellency & the Council whether it may not be expedient to issue a commission of Oyer & Terminer and general goal delivery for Dauphin county, to three or more of the most respectable citizens of said county, for the trial of such offenders as may be then confined in goal.

We have the honor to be,
with great regard, Sir,
your Excellency's most
obedient, humble servant,
THO. M'KEAN,
WILL'M ATLEE.

Joseph Montgomery, Esquire, Christopher Kucker, Esquire, James Burd, Esquire, Alexander Graydon, Esquire, William Brown, Esquire, of Dauphin County.

Directed,

His Excellency Thomas Mifflin, Esquire, President & Commander in chief of Pennsylvania.

Indorsed,

Read in Council, Feb'ry 17th, 1790.*

RECEIVER GEN'L TO COMMITTEE OF COUNCIL—ISLANDS IN OHIO, &c., 1790.

Philad'a, 16th February, 1790.

Gentlemen,

In conformity to your Instructions this morning I beg leave to report the circumstances which have come to my knowledge respecting the situation of three Islands in the Rivers Alleghany and Ohio,

* There is no record of it on the minutes of this date—the names attached were probably intended for the jury.

known by the names of *Chartiers** or *Hamilton's Island*, occupied by John Hamilton, *Wilson's Island*, in the possession of *William Wilson*, and *Hulings's Island*, occupied by Samuel Hulings.

On the 17th November, 1788,† The Supreme Executive Council by their resolve of that date fixed the value of Willson's Island containing 33 acs. ¾ & 7 perches, at 10s. ℔ acre, payable in Gold or Silver, and that of Chatiers or Hamiltons containing 136 Acres 21 perches at 20s., in like money, and vested a right of preemption in and to said Islands, in said Wilson & Hamilton respectively, provided, that application and compliance with said Terms should be made by them within six Months thereafter. On the 30th of the same Month, John Irwin, of Pittsburg, Esq., made Application to the Receiver General's Office, in due form on behalf and by the instructions of William Willson for *Wilson's Island*, "engaging a perfect and punctual compliance with the Terms, &c.;" and Mr. Irwin still holds himself responsible for this money, so that it became unnecessary to furnish Wilson with any further notice. Some short time after I sent notice to Mr. John Hamilton, respecting his Island, by some member of the Legislature, whose name I cannot now recollect, but fearful that this notice might not get to his hands in due season, I sent a very particular notification bearing date 28th March, 1789, a copy whereof is filed in the office. On the 29th of November, 1788, Council by their Resolve of the same date, in consequence of Samuel Huling's Petition, valued *Huling's Island*, containing about forty Acres at 7*s.* 6*d.* *Specie* ℔ Acre, and also vested a right of preemption thereto, in said Hulings, provided that application and compliance with the said Terms should be made by him within six Months after that time. In this case I did not send any notice in as much as I understood, Hulings himself had Petitioned Council annexed to which, there was also a recommendation signed by John Irwin and Hugh Brackenridge, Esquires, with several other Gentlemen of Pittburg, from some of whom, if at all necessary, I conceived he would certainly receive notice.

I just beg leave to add that the Terms have not yet been complied with by any of these Gentlemen, nevertheless I verily believe John Irwin, Esq., will soon pay for Mr. Willson's Island. Colonel Cook of Fayette, now offers a compliance with terms on behalf of Mr. Hamilton, and as for Mr. Hulings, no person as yet having made any tender of money at the Receiver General's office on his behalf, I therefore can say nothing with respect to him.

I have the honor to be, Gentlemen,

Your most obedient Servant,

FRAS. JOHNSTON, R. G.

Directed,

The Honorable Amos Gregg, Esquire, and others Committee of Council.

* See Col. Rec., Vol. XVI., pp. 283, 285. And Vol. XV., pp. 608, 611.
† See Col. Rec., Vol. XV., pp. 598, 608.

PRES. MIFFLIN TO ASSEMBLY, 1790.

In Council,

Philad'a, February 20th, 1790.

Sir,

I have the honor to transmit to you a Resolve of Council of this Day,* relative to a petition from a number of Inhab. of Northampton Cy., residing on or near the Nescopeck Road, &c.

I have the honor to be, with

RESOLUTION OF GENERAL ASSEMBLY, 1790.

State of Pennsylvania, In General Assembly,

Saturday, March 6th, 1790—A. M.

On motion of Mr. Rawle seconded by Mr. Gurney.

Resolved, that a committee be appointed to take into their consideration the present state of the funds arising from Militia fines in the several counties of this state, and to confer with the Supreme Executive Council relative to the manner in which the Act entitled "An Act to establish a board of appeal within the several counties "of this State, and to grant exonerations in cases of Militia fines," has been carried into execution.

Ordered, that Mr. Gurney, Mr. McDowell and Mr. Johnston be a committee for the purposes contained in the foregoing resolution.

Extract from the Minutes,

PETER ZACHARY LLOYD,

Clerk of the General Assembly.

Directed,

Francis Gurney, Esquire.

RESOLUTIONS OF GENERAL ASSEMBLY—EXCISE ON LIQUORS, 1790.

State of Pennsylvania, In General Assembly,

Tuesday, March 9, 1790, A. M.

The Committee appointed, March 5, on the petition of a number of the inhabitants of the county of Westmoreland, made report which was read, and on motion, and by special order, the same was read the second time and adopted as follows viz.

* There is no allusion to, or resolve on this petition on the minutes of that date.

The committee to whom was referred the petition of the inhabitants of Westmoreland county, report—That the Excise raised upon Spirituous liquors being appropriated for the discharge of the interest due on the depreciation of pay of our late Army, and as no other fund has yet been assigned for the aforesaid purpose it would be altogether improper to take away or lessen it until said debt is assumed by the United States—The hint given respecting the Excise Officer is of too much importance to be neglected and with others of a similar nature appears to require the immediate attention of the Executive; impressed with these ideas, the Committee are induced to submit the following resolution, viz.:

Resolved, That the petition of the inhabitants of Westmoreland county, be transmitted to the President and Supreme Executive Council for their information, who are particularly requested to take the most effectual means in their power to compel all delinquent Excise Officers to pay into the State Treasury all monies due for Excise whether in the hands of said officers or of individuals.

Extract from the Minutes.

PETER Z. LLOYD, Clerk of the General Assembly.*

Indorsed,

Read in Council March 11th, 1790, 1st time.

Directed,

The honorable The Supreme Executive Council.

PETITION OF INHABITANTS OF WESTMORELAND COUNTY—EXCISE ON LIQUORS—1790.

To the Honorable the Representatives of the Freemen of Pennsylvania, in General Assembly met.

The Petition of the Inhabitants of Westmoreland County—Humbly Sheweth.

That your petitioners are greatly aggrieved by the present operation of an Excise Law, passed on the 19th day of March, 1783, by which we are made subject to a duty of four pence per gallon on all spirituous liquors distilled and consumed amongst us from the productions of our farms, even for private and domestic uses. It is generally believed that excise laws, in all nations and at all periods, have given greater disgust, and created greater tumults amongst the people, than any other species of taxation ever adopted for the raising of revenue; we do not hesitate to declare, that this law has already been productive of all those and many other evils, and that it is the only one passed since our revolution that has been treated with

* See Col. Rec., Vol. XVI., p. 300.

general disapprobation, and reflected upon with universal abhorrence and detestation: and such has been the resentment of many of our fellow citizens, which we are sorry to have occasion to confess, that they have, upon several occasions, proceeded to unwarrantable lengths in opposing its operations.

We do not deny that we are as strongly rooted in the habits, and as much addicted to the use of spirituous liquors as our brethren in the eastern part of the state: having emigrated from among them, we cannot be condemned for carrying their customs along with us. But independant of habit, we find that the moderate use of spirits is essentially necessary in several branches of our agriculture.

In this new country, labourers are exceedingly scarce, and their hire excessively high, and we find that liquor proves a necessary means of engaging their service and securing their continuance through the several important seasons of the year, when the pressing calls of labour must be attended to, let the conditions be what they may. For these reasons we have found it absolutely necessary to introduce a number of small distilleries into our settlements, and in every circle of twenty or thirty neighbours, one of these are generally erected, merely for the accommodation of such neighbourhood and without any commercial views whatever. The proprietor thereof receives the grain (rye only) from the people, and returns the stipulated quantity of liquor, after retaining the toll agreed upon. In this manner we are supplied with this necessary article, much upon the same conditions that our mills furnish us with flour; and why we should be made subject to a duty for drinking our grain more than eating it, seems a matter of astonishment to every reflecting mind.

These distilleries, small and insignificant as they are, have always been classed among the first objects of taxation, and have been highly estimated in the valuation of property. This, we conceive, might fully suffice, without extending revenue to the mean and humble manufacture produced by them.

With as much propriety a duty might be laid on the rye we feed to our horses; the bread we eat ourselves, or any other article manufactured from the products of our own farms.

Our remote situation from the channels of commerce, has long ago prohibited the use of all imported liquors amongst us, and as we are aiming at independence in our manner of living, we have neither the abilities or inclination to aspire to their use. We freely resign them to our eastern neighbours, whom Providence has placed under the meridian rays of commercial affluence, and whose local situation confer on them many enjoyments which nature has denied to us; and whilst they are revelling in the luxuries of the most bountiful foreign climes, we are perfectly content with the humble produce of our own farms, and it is our only wish to be permitted to enjoy them in freedom.

We beg that we may not be considered as unfriendly to the supporting of a government, which we so highly approve, as that of

Pennsylvania. We have too exalted ideas of the blessings deriving from it, to ever suffer such thoughts to harbour in our breasts. The payment of the state tax has always been submitted to with cheerfulness, and paid to the utmost of our abilities. And here we cannot forbear expressing our astonishment at the suspension of a tax so just and equitable in its nature, whilst the excise complained of is continued to be exacted with rigor. We have reason to believe that the produce of this excise will amount to the same, or perhaps exceed that of our state tax, and if we had any security for the net produce thereof getting into the treasury, it would afford some consolation ; but from the flagrant delinquency which we have experienced from many of our revenue officers in this county, as well as from a want of confidence in the present excise officer and his security, our fears are greatly awakened upon the present occasion.

We find that the security required by law from this county, is fixed at the low rate of one hundred and fifty pounds only, when it is probable that the sum to be collected, may amount to one thousand. On this circumstance we shall only remark, that there are few men in the present day, who would not readily forfeit and pay a penalty of one hundred and fifty pounds, provided they could put a thousand in their pockets by so doing.

It is with pleasure that we refleet upon the many instances of liberality and general encouragement which the legislature, as well as many respectable societies, have given through the course of some years past, for rendering ourselves still more independent of foreign nations, by promoting and improving every branch of our own manufacture ; we therefore flatter ourselves that the present assembly will no longer suffer a law to remain in existence which is so evidently calculated to counteract the virtuous designs of those respectable bodies, and which proves so universally obnoxious to the people of this western world. We therefore humbly pray, that the several observations herein stated, may be taken into serious consideration, and that the present excise law, so far as it extends to the laying of a duty or imposition of any kind whatever, upon liquors made or distilled from the productions of this state, may be fully and speedily repealed. And your petitioners as in duty bound will pray.*

Christoph Waldhauer,
Hugh Donelson,
Pierce Walaghan,
James Stinson,
Casper Waldhauer,
Young Christoph Waldhauer,
Johannes Lautzenheiser,
John Robertson,
John Irwin,
William Porter,
Michael Waldhauer,
Joseph Waldhauer,
Jacob Waldhauer,
George Waldhauer,
Aaron Teegadden,
his
Peter ⋈ Studibaker,
mark
Jacob Studibaker,
Valentin Weisskopf,

* As this is copied from a printed hand-bill, it is probably only one of several in circulation for signatures—the others not found. Some of the names are in German characters and may not therefore be correct.

Hendrich Saendersen,
Johannes Hesse,
Christophel Weisskopf,
Abraham Studibaker,
John Studibaker,
Adam Rudibagh,
David Logan,
Robt. Watson,
Geo. McWilliams,
his
David D Miller,
mark
Andw. Moore,
Wm. McDowell.

Directed,

A Petition To the care of James Barr and Jno. Baird Representatives for Westmoreland Co.

SECRETARY BIDDLE TO CLERK OF ASSEMBLY, 1790.

Secry's Office, Philada., March 10th, 1790.

Sir,

Mr. Maclay, delegate from this state to Congress has requested to be furnished with the several Inspection Laws of this state, and as Council are not possessed of more than one compleat copy of the Laws, you will be pleased to direct Mr. Martin to furnish the Laws passed in the 2nd and 3rd sessions of the 13th Assembly, and that relating to flour passed the 5th of April, 1781, to be forwarded to Mr. Maclay.

I am Sir, your most obedient Servant,

JAMES TRIMBLE,
for CHAS. BIDDLE.

Directed,

Peter Z. Lloyd, Esqr.

PRES. MIFFLIN TO PRES. UNITED STATES—INDIANS, 1790.

In Council, Philad'a, March 10th, 1790.

Sir,

I have the honor of transmitting to your Excellency, a Letter which has been addressed to the Executive of this State by several very respectable inhabitants of the County of Washington in Pennsylvania; in which they represent "that many mischiefs have taken Place in that County for several years past from the hostile Incursions of the Indians and that from the present aspect of Indian affairs in the western and South western Countries the same are likely to continue," and requesting the Interposition of Council with the president of the United States in behalf of the Inhabitants of Washington County.

Mr. Ryerson, a Member of our Legislature who has subscribed that Letter, will have the Honor of waiting on your Excellency and will give, if it should be thought proper, full Information on the Subject.

I have the Honor to be with the greatest Respect,
your Excellency's most obedient and most humble Servant,
THOMAS MIFFLIN.

Directed,
His Excellency, The President of the United States.

PRES. MIFFLIN TO ASSEMBLY—CONSTITUTION U. S., 1790.

In Council,
Philadelphia, March 19th, 1790.

Sir,

I have the honor to transmit to you to be laid before the General Assembly, a Letter from His Ex'y Governor Martin, & a copy of a Resolution of the Convention of the State of North Carolina, with several amendments by them proposed to become part of the Constitution for the future Government of the United States.

I have the honor to be
with great Respect, Sir,
your most obedient and
most humble Servant,
THOMAS MIFFLIN.

Letter Feb'y 20th, 1790.
Novr. 23rd, 1789.

SAMUEL VAUGHAN TO SECRETARY BIDDLE, 1790.

Front Street, 22d March, 1790.

Sir,

With the President's approbation, I sent to Mr. Wm. Bartram to assist in making a list of the Trees & Shrubs wanted to supply the Statehouse Garden. This list together with the estimation is in your possession, if approved of, it may & should be quickly & well executed by him, as he is fully competent to the business, which I conceive not to be the case of the English Gardiner proposed, who not being acquainted with the productions of this Country & who

* See Col. Rec., Vol. XVI., p. 304.

hath neither ability to judge or means to procure the variety necessary to supply those destroyed or dead.

I am, Sir,

your most humble serv't,

SAM. VAUGHAN.*

Directed,

Charles Biddle, Esqr., Secretary of Council, Philada.

COMMITTEE OF ASSEMBLY TO PRES. MIFFLIN, 1790.

Sir,

The house of Assembly having appointed a committee to confer with the Supreme Executive Council, "relative to the subjects "contained in the letter from the Register General to the house "dated Feb'y 16th, and the letters from the Comptroller General, "dated the 16th & 20th of February, and 4th of March." I beg leave to enquire, on behalf of the Committee, at what time we shall have the honor of waiting upon Council.

I am with the greatest Respect,

your Excellency & the Council's

most obedient humble Servant,

W. RAWLE,

Chairman of the Committee.

Directed,

His Excellency, the President of Supreme Executive Council.

PRES. MIFFLIN TO ASSEMBLY, 1790.

In Council,

Philadelphia, March 22d, 1790.

Sir,

I have the honor to transmit to you for the information of the General Assembly A Letter from his Excellency the President of the United States† "respecting the Mischiefs which have been done for several years past in the county of Washington in this State."

I have the Honor to be

with the greatest Respect your most

obedient and most humble Servant.

* See Vol. X., p. 420.

† Gen'l Washington's letter dated March 15, in answer to the President's Letter of the 10th—See page 673.

ZEBULON BUTLER TO PRES. MIFFLIN, 1790.

Wilksbarre, March 26, 1790.

Sir,

By the desire of Col'o Spalding and Maj'r Kingsley, of the second Battallion of this County, I write to your Excellency and Council to inform of the extreame hardships under which the soldiery and Officers labour in all assembling at one place on muster days. The District of the Battallion is rising of seventy miles in length, and to oblige those living at the two extreems to meet at a central place is to put them to much expence and fatigue—From this circumstance the above Gentlemen are led to imagine, that the attendance of the men will not be so general as will be necessary to the furtherence of order and military advancement, The men will much rather subject themselves to fines, than encounter the difficulty of travelling thirty miles in roads exceedingly bad, with still worse stages for accommodation. These are therefore to request, if consistant that the Battallion in two or more divisions, and at two or more different places, as also at on different days, may be reviewed—much more punctual attendance, they imagine, will be given and the measure gratefully acknowledged by the men composing the Battallion. If Council should think it unnecessary to go so formerly into the subject, they request an order, (if consistant,) may be given to the Lieu't of the County, to make such arrangements in the premises as to him shall seem most judicious.

I find that all Certificates given by the Commissioners of the several Counties for the exoneration fines by late information must be on file, one of which given by the Commissioners of this County, I sent some time since to Council, I wish that it may be transmitted back that the Law may be complied with.

I herein inclose a return of the first and second Lieu't elected on the 25th ins't in the light Infantry, to fill the Vacancies occasioned by the removal of Lieu't Seeleys and Lieu't Bailey resignation, and I also wish information whether or not the Officers of Cap't Drakes Company are to be commissionated.

In the mean time,

I have the honor to be

your Excellency most

obedient and very humble serv't,

ZEB'N BUTLER.*

Directed,

To His Excellency Thomas Mifflin, Esqr., Philadelphia.

* See Col. Rec., Vol. XVI., p. 317.

Resolutions of General Assembly—Rivers, 1790.

State of Pennsylvania In General Assembly,

Wednesday, March 31st, 1790 P. M.

The report on that part of the Message of Council which respects the navigation of the Rivers Delaware, Schuylkill and Susquehannah, read March 27th, was read the second time & adopted as follows vizt. The Committee to whom was referred that part of the Message of the President and Supream Executive Council which relates to the reports of the Commissioners appointed to view the Delaware, the Schuylkill, and the Susquehannah in pursuance of the act of assembly passed the 28th of September, 1789, beg leave to report, That the surveys directed appear to have been made with great care, accuracy and judgment and upon the whole to warrant the inference that the waters of those rivers may in general be rendered navigable with as little difficulty and expence as those of any rivers in the United States.

But it appears to the Committee to be expedient previous to proceeding in the execution of any part of the great design proposed by the Legislature, that proper measures should be taken to ascertain the most practicable communication between the Eastern and Western limits of the state.

The Commissioners appointed were from the direction of the law confined to the investigation of the navigable waters of the Delaware the Schuylkill and the Susquehannah and the Streams which communicated with them.

The Resolution which the Committee will propose is calculated to obtain a clear and satisfactory knowledge of those internal parts of the state hitherto unexplored. For these purposes to ascertain the most convenient and practicable place for connecting the waters of the rivers already mentioned, with the Allegany, Lake Ontario, and Lake Erie. And in cases where portage by land will be necessary, to examine the face of the Country and report the most suitable places for Landings and roads.

The State of Pennsylvania appears to the Committee not only to be calculated from its natural advantages for those improvements which will facilitate its internal commerce and promote the wealth and population of its territory, but to be the probable grand channel of future communication between the Eastern and Western extremities of the United States. And hence it is conceived that to neglect the acquisition of proper materials for the formation of a general plan upon the most liberal principles within the abilities of the Commonwealth would be inconsistent both with our interest and our reputation.

The following resolution is therefore submitted, viz.

Resolved that the president and Supreme Executive Council be and they are hereby authorized and requested to appoint three suitable and skilful persons Commissioners, who shall proceed as soon as may be, to the head of the Quetapahilla and from thence shall proceed to the Swatara and down the Swatara to the Susquehannah, then

passing over that part of the Susquehannah which has been already examined by the Commissioners herein before mentioned, they shall ascend to the mouth of the Juniatta where they shall recommence the examination proposed and proceed up the Susquehanna to Sunbury, and thence up the west Branch to Sinnamahoning and up the Same to the Canoe place (so called) or such place on the main branch or the west branch of Sinnamahoning as will connect most easily with any practicable branch of the Allegany, the Consua, Toby's Creek or any other which may discharge itself into the Allegany nearest to the mouth of French Creek, and thence examine French Creek up to Le Bœuf and the portage to Presque Isle.

That they also examine and explore any nearer and more convenient communication which may be effected by land or water with Lake Erie. That such Commissioners thence return down the Allegany and examine the same from the mouth of French Creek to the Kishkemanettas, and up the Kishkemanettas to the Connemaugh, and up the Connemaugh to its forks with Stony Creek and from the same by the nearest branches, which can be improved by canal or lock navigation to the shortest portage which may be found to the Frankstown branch of Juniatta at or near the mouth of Poplar run, where Patrick Casady now lives, and down the Frankstown branch of Juniatta to the head of water Street where the Commissioners of last year concluded the report of their work.

That the President and Supreme Executive Council be also authorized and requested to appoint three other suitable and skilful men to explore the Country and ascertain the best road and shortest distance from the Delaware near the forks of the Mohawk and popackton Branches to the great Bend on the Susquehanna & thence proceed down the Susquehanna to the mouth of Tioga, and from thence to the junction of the East & West branches of Susquehanna. That on their return from thence the said Commissioners be directed to explore the Leheigh from its head to the turnhole, and also to examine and explore the Tobehanna and the Schuylkill from Hamburg, where the Commissioners before mentioned concluded their work, to the mouth of Tamagaay or little Schuylkill as far as good raft navigation may be supposed to extend.*

That for the purpose of defraying the expences of such examination and surveys, the President and Supreme Executive Council be and they are hereby authorized to draw Orders on the Treasurer of the State not exceeding the sum of six hundred pounds to be charged to the fund in and by the act of Assembly before mentioned, appropriated for claims & improvements.

Extract from the minutes,

PETER Z. LLOYD,

Indorsed, Clerk of the General Assembly.

Read in Council, April 6th, 1790, and Timothy Matlack, John Adlum, Samuel Maclay, Reading Howell, Fred'k Antes & Will'm Dean appointed.

* See Col. Rec., Vol. XVI., pp. 315, 319, 321.

V. P. Ross to J. Trimble, Esq.—Pension, 1790.

Sir,

In the Case of the Widdow Mercer, Mr. Chambers has wrote to me requesting that I would make Application for an Order for her Pension. If I recollect right, I did, & there was an Order granted on the Militia fines of Northumberland County, But they not being productive, no Cash was to be had, & the papers, together with this Order, were again put into my hand to try to get a Drafft on some more productive fund; that being impossible to be obtained, I have let the affair rest, & have all the papers, together with the Order above mentioned, among my papers at Lancaster. Please to let Mr. Levy see the minutes of Council on this Business.

I am yr. humble serv't,

G. ROSS.

31st March, 1790.

Directed,

Mr. James Trimble, pres't.

Thomas Jefferson, Secre'y of State, to Pres. Mieflin—Census, 1790.

Office of Secretary of State,
March 31st, 1790.

Sir,

I have the honor to send you, herein enclosed, two copies, duly authenticated, of the Act providing for the enumeration of the Inhabitants of the United States: also of the Act to establish an uniform rule of naturalization: also, of the Act making appropriations for the support of Government for the year 1790, and of being, with sentiments of the most perfect respect,

Your Excellency's most
obed't & most h'ble servant,

TH. JEFFERSON.

His Excellency The President of Pennsylvania.

Drs. Hutchinson and Wistar on Inspector of Pot and Pearl Ashes, 1790.

As the Law respecting Potash was formed with a view of ascertaining the value of that article, by the examination of its obvious qualities, as well as by chemical analysis, it is necessary that the

Inspector should be qualified in both respects—but an opinion of the qualifications of a Candidate which is derived from a verbal examination (as ours hath necessarily been) may be very erroneous; for by practice, a person may acquire great dexterity in judging of things by their external qualities, & yet not be able to give an account of the principles which regulate his judgment—& on the other hand, as there is great variety in the appearance of Potash, when the value may not be materially different, a person who, by his chemical knowledge, could give a reasonable account of the subject, and even make a proper analysis of it, may be much mistaken when he judges by external appearances only.

The Subscribers, therefore, do not offer their opinion with much confidence, and after promising this, they beg leave to inform the Hon'ble Council that it appears to them, from the examination they have made, that Monsr. De Plaine hath acquired a considerable degree of experience respecting the manufacture of Potash, & the various appearances it may present, & is well informed of the nature & chemical qualities of alkaline Salts in general, & therefore is qualified for the office in question, and that Mr. Ebenezer Cowell hath also acquired a Considerable degree of experience in the manufacture and various appearances of that article.*

JAMES HUTCHINSON,
CASPAR WISTAR, Junr.

March 31st, 1790.

JOHN CHALONER APPOINTED AUCTIONEER, 1790.

Philadelphia, April 1st, 1790.

Sir,

You will particularly oblige me by proposeing to His Excellency The President, and The Supreme Executive Council, the following persons as my Sureties, who, if approved off, will immediately sign the necessary bonds.

I am, with great respect, Sir,
Your most obd. Serv't,
JOHN CHALONER.

Tho's Lee, Merchant, in front Street between Market and Arch Street.

Leonard Dorsey—do—corner of 3d & Arch Street.†

Directed,

Charles Biddle, Esqr., Secretary of Council.

* See Col. Rec., Vol. XVI., pp. 309, 312.
† See Col. Rec., Vol. XVI., pp. 312, 313.

COMMISSIONERS TO VIEW RIVERS, 1790.

In Council, Philadelphia, April 6th, 1790.

Council resumed the Consideration of the Resolution of the General Assembly of the 31st of March last, and thereupon Timothy Matlack, John Adlum and Samuel Maclay, were appointed Commissioners to examine and survey the Waters of Quattapahillla, Swatara, part of Susquehana, and Juniata Rivers, the Waters of Sinnamahoning Creek, part of the Waters of Allegany Rivers, Presque Isle, &ca.—and Frederick Antes, Reading Howell and William Dean, were also appointed Commissioners to explore the Country near the head waters of the Delaware River, East Branch of Susquehanna, and of the Rivers Lehigh and Schuylkill, agreeably to the directions of the said Resolution of Assembly.

Extract from the Minutes,

JAMES TRIMBLE,
for CHARLES BIDDLE, Sec'ry.*

CESSION OF WESTERN TERRITORY BY N. CAROLINA—ACCEPTED 1790.

Office of Secretary of State,
April 6th, 1790.

Sir,

I have the honor to send you herein enclosed two copies duly authenticated of the act to accept a cession of the claims of the state of North Carolina to a certain district of western Territory; also of the act to prevent the exportation of Goods not duly inspected according to the laws of the several states, and of being with sentiments of the most perfect respect,

your Excellency's most obedient,
& most h'ble servant,
TH. JEFFERSON.†

Directed,

His Excellency, The President of Pennsylvania.

Indorsed,

Read in Council, April 15th, 1790, and answered.

* See Col. Rec., Vol. XVI., pp. 315, 319.
† Col. Rec., Vol. XVI., p. 239 and 688 of this.

Resolution of Assembly—Powder Magazine, 1790.

State of Pennsylvania,
In General Assembly,
Tuesday, April 6, 1790, A. M.

The report of the committee appointed to confer with the Supreme Executive Council, read yesterday, was read the second time; and the resolution therein contained, as follows, being under consideration, viz.—

Resolved, that the President and Supreme Executive Council be and they are hereby authorised to contract for the purchase of a suitable lot of ground for the purpose of erecting thereon a magazine for the storage of gun powder and and also to contract for erecting such building on such constructions and such dimensions as will conduce to the security of the public in this instance. And that this house will at their next session by law make provision for the expences of such purchase and building."

On the question, will the house agree to the said resolution?

The Yeas and Nays being called thereon by Mr. Kennedy and Mr. Mitchell, were as follows, viz.—

Yeas.

1 Lawrence Seckle,
2 Jacob Hiltzheimer,
3 William Rawle,
4 Francis Gurney,
5 Samuel Ashmead,
6 Thomas Paul,
7 Thomas Britton,
8 Elias Boys,
9 Gerardus Wynkoop,
10 Valentine Opp,
11 John Chapman,
12 James Bryan,
13 Richard Thomas,
14 Henry Dering,
15 John Miller,
16 Thomas Clingan,
17 Jacob Schmyser,
18 Thomas Lilly,
19 William Godfrey,
20 Jonathan Hoge,
21 John Ludwig,
22 Nicholas Lutz,
23 Daniel Leinbach,
24 Conrad Thrie, junr.,
25 James Marshall,
26 Herman Husband,
27 Jacob Reiff,
28 Jonathan Roberts,
29 Benjamin Markley,
30 James Vaux,
31 Jacob Miley,
32 John Carson,
33 James McKnight,
34 Obadiah Gore,
35 David Stewart,
36 John Nevill,
37 John Harris,
38 Hugh Lloyd,
39 Richard Riley.

Nays.

1 Richard Downing,
2 James Cunningham,
3 John Stewart,
4 Thomas Kennady,
5 David Mitchell,
6 John Moore,
7 John Baird,
8 James Barr,
9 James Allison,
10 Alexander Wright,

11 Thomas Ryerson,
12 John Gilinest,
13 James Finley,
14 James Johnston,
15 John Rhea.

So it was carried in the affirmative.

Extract from the minutes.

PETER Z. LLOYD,
Clerk of the General Assembly.

Indorsed,

Read in Council, April 9th, 1790, and referred to Colonel Miles, Col. Willing and Mr. Read.

INSTRUCTIONS TO COMMISSIONERS FOR REVIEWING RIVERS, 1790.

In Council,
Philadelphia, April 8th, 1790.

Gentlemen,

Council having in pursuance of the enclosed Resolution of the General Assembly of the thirty-first day of March last, appointed you Commissioners for the purposes expressed in the first part of the said Resolution.

You will without delay proceed to the head of the Quittapahilla, and from thence to the Swatara, and down the Swatara to the Susquehanna; then passing over that part of the Susquehanna, which has been already examined by the Commissioners appointed on the 2nd of October, 1789; you will proceed to the mouth of the Juniata, where you are to re-commence the examination proposed, and proceed up the Susquehanna to Sunbury, and thence up the West Branch to Cinnamahoning, and up the same to the Canoe place, (so called,) or such place on the main Branch of Cinnamahoning, as will connect most easily with any practicable branch of the Allegany, the Consua, Toby's Creek, or any other which may discharge itself into the Allegany nearest to the mouth of French Creek; and thence examine French Creek up to Le Bœuf and the Portage to Presque Isle; you will also examine and explore any nearer and more convenient communication which may be effected by land or water with Lake Erie; that you will then return down the Allegany, and examine the same from the mouth of the French Creek to the Kiskemenetas, and up the Kiskemenetas to the Conemaugh, and up the Conemaugh to its forks with Stony Creek, and from the same by the nearest branches which can be improved by Canal or Lock navigation, to the shortest portage which may be found to the Frankstown Branch of Juniata, at or near the

* See Col. Rec., Vol. XVI. p. 319.

mouth of Poplar run where Patrick Cassady now lives, and down the Frankstown branch of Juniata to the head of Water Street, where the Commissioners of last year concluded the report of their work.

If any difficulties occur in the execution of the duties required of you by these Instructions, you will give information thereof to the Supreme Executive Council that such difficulties may, if possible, be removed.

When you have compleated the Business you will make report to the Board of your proceedings, together with an Estimate of the Expence that may, in your opinion, be necessary to carry the said Resolution into execution.

Council have thought proper to allow you seventeen shillings and six pence per diem for your services in this business, including your personal expences.

The Charges which may necessarily arise from the hire of Horses, Boats and Assistants will be allowed by Council; at the same time it is earnestly recommended to you to avoid every unnecessary expence and delay.

Indorsed,

To the Commissioners appointed to explore the Western Waters, Timothy Matlack, John Adlum and Samuel Maclay, Esqrs.

PRES. MIFFLIN TO DELEGATES IN CONGRESS—MUSTARD, 1790.

The Delegates of Pennsylvania in the House of Representatives of the United States, at New York.

In Council, 10th April, 1790.

Gentlemen,

I have the honor to send to you a memorial addressed to the House of Representives of the United States by the Manufacturer of Mustard in the City of Philadelphia, to which memorial Council request you to give that support which may be most consistent with your Ideas of public Utility.

I have the honor to be, with
the greatest Respect, Gentlemen,
Your obedient and most humble Servant,
THOMAS MIFFLIN.

* See Col. Rec., Vol. XVI., p. 315, 327.

SECRETARY OF STATE TO PRES. MIFFLIN, 1790.

New York, April 15th, 1790.

Sir,

I have the honor of sending you herein inclosed two copies duly authenticated of the act to promote the progress of useful arts, and of being with sentiments of the most perfect respect

your Excellency's most obedient
& most humble servant,
TH. JEFFERSON.*

Directed,

His Excellency, The President of Pennsylvania.

SECRETARY OF WAR TO PRES. MIFFLIN—INDIANS, 1790.

War Office, April 15th, 1790.

Sir,

By direction of the President of the United States I have the honor to transmit to your Excellency the copy of the letter which has been forwarded to the Lieutenant of Washington County in the State of Pennsylvania.

Your letter of the 10th of March last with the representation which accompanied the same from Washington county were laid before the Congress for their information. It has been in contemplation to afford as general & efficient protection to the frontiers as could be reasonably expected, but the means to that end not having yet been decided upon by Congress and the season of Indian incursions fast approaching, the President has been induced to direct the measure contained in the enclosed letter as a temporary expedient.

The same measure precisely has been at the same time extended to the exposed counties of Virginia lying along the south of the River Ohio.

I have the honor to be, Sir,
your most obedient Humble Servant,
H. KNOX,†
Secretary of War.

Directed,

His Excellency, the President of the commonwealth of Pennsylvania.

* Col. Rec., Vol. XVI., p. 247.
† Col. Rec., Vol. XVI., p. 340.

Secretary of War to Lieutenant of Washington County—Indians, 1790.

Copy.

War office, April 13th, 1790.

Sir,

A Copy of a letter signed by Alexander Addison, James Ross, Thomas Ryerson, and Henry Taylor, four inhabitants of Washington county and dated the 25th of January last, has been transmitted by his Excellency Thomas Mifflin, Esqr., to the President of the United States, and by him laid before Congress together with other papers of the same nature.

From this letter it appears that the inhabitants of the said county were exposed to the incursions of Indians in like manner as the Inhabitants of the counties of Virginia lying along the upper parts of the Ohio.

The president of the United States having been induced on the application of some of the said counties to direct me to empower the Lieutenants of said Counties to employ certain patroles termed Scouts for the protection thereof, and as it is his desire, that the protection should be extended to all the exposed frontiers, he has directed me to transmit to you a discretionary power in the like manner as has been transmitted to the counties of Virginia.

I do therefore, Sir, in the name of the President of the United States authorize you, if in your Judgment the appearances of danger are Such as to require the measure to call forth the Scouts herein mentioned and under the regulation described.

1st, That the number of men so called forth shall not exceed the number which usually heretofore have been allowed by Virginia, and upon no pretence to exceed the number of eight men.

2d, That the pay or expence of the said Scouts shall not exceed the pay and expence heretofore usually allowed by Virginia.

3d, That the said Scouts shall not be continued in service longer than the exigence shall require.

That when the said Service shall be performed the following evidence will be required.

Firstly, a return of the names, ages and Residence of the said Scouts.

Secondly, an abstract of the pay of the said Scouts Specifying the exact days in which they were so employed. The pay to be regulated by the lowest price, in the respective counties, in which the service may be performed and on this point you and the commanding officer will be particularly accurate. I have been informed that 5s. Virginia currency perr day, has been given to each of the Scouts. If this high price has been given, it must form the excess to be given on the part of the United States.

Thirdly, an account of rations, each ration being Stated at not a higher rate than 6p. per ration.

Fourthly, all these papers must be signed and certified on oath by the county Lieutenants, or commanding officer of each county and transmitted to Brigadier General Harmar in order to be delivered to the paymaster of his Regiment who will have the accounts passed, and draw the money for the same. The money so drawn, to be paid by him to the county Lieutenants who must produce to him the receipts of the individuals for whom the money was so drawn.

The commanding officer will also issue a reasonable quantity of powder & Ball for the said Scouts to the county Lieutenants.

This measure is to be considered only as a temporary expedient until either the danger ceases, or some general arrangement of defence shall be made. You will please to acknowledge the receipt of this letter and to inform me of the measures which you may adopt in consequence thereof, or of those which were in operation at the time of its receipt.

I have the honor to be, Sir,

your most obedient Serv't,

*Signed, H. KNOX,

Secretary of War.

Directed,

The Lieutenant of Washington county, State of Pennsylvania.

Memorial of William Semple, late a Sub-lieutenant of City of Philadelphia, 1790.

The petition and Memorial of William Semple, late a Sub Lieutenant of the City of Philadelphia, 1790, To the Honble. The President and Executive Council of Pennsylvania.

May it please your Honble. Body to look back into your records, where you will find that your memorialist was appointed a Sub-Lieutenant, as set forth above, under the Lieutenant William Henry, Esqr., in the year 1777. That he was in that employment at the time, when, after the battle of Brandywine, &c., the British troops invested the City of Philadelphia. On the first alarm, after their crossing the River Schuylkill, when Congress and your Honble. predecessors left the City, (Mr. Rittenhouse being sent into the Country on publick business) he had all the monies and publick papers of his office (then under the care of Mr. Rittenhouse) safely conveyed on board a shallop ready to proceed to Trenton. And that on the day they advanced and attacked some of our troops at the

* See Col. Rec., Vol. XVI., p. 340.

Rising Sun tavern, on the Germantown road, he, when alone in the actual duties of that office, had a great many of both publick and private arms conveyed out of the City—and continued so long in your service that day, that he was within ten minutes of being taken at Frankfort Bridge, by a party of the Enemy's light horse. The night following, after being ordered by Colonel Hamilton, General Washington's Aid de Camp, he followed and endeavouring in vain to rally a regiment of Militia, he afterwards conducted part of the arms, &c., of the City to Allentown.

About this time, he sold to Capt. Lang, belonging to the Clothier's department, a considerable quantity of clothing, for which he never has been able to procure a final settlement, either by Mr. Stille, agent for Congress, or through Mr. Nicholson, comptoller general for Pennsylvania. Your petitioner humbly requests to know how this account can be settled.

On the evacuation of the City by the British, he again entered in the employment of his office, and continued in it for some time, and until he conceived that there was not sufficient employment, when he voluntarily sent in his commission and resignation to your honorable predecessors. And altho' it was not at that time his intention to charge any thing for his services, yet now that he has experienced a series of misfortunes, and is reduced to the necessity of depending on his friends for common support, he hopes that the Honorable the Supreme Executive Council of Pennsylvania will see the justice and propriety of allowing him the wages annexed to his office for the time he served therein. And your Memorialist and Petitioner, as in duty bound, shall ever pray, &c.

WILLIAM SEMPLE.

Philadelphia, 15th April, 1790.

Directed,

The Honble. the President, & Executive Council of the State of Pennsylvania. Present.

PRES. MIFFLIN TO SEC'Y JEFFERSON*—CESSION OF LANDS FROM NORTH CAROLINA, 1790.

In Council, Philadelphia, April 15th, 1790.

Sir,

I have the honor to acknowledge the Receipt of your Letter of the 6th Instant, with two Copies of the Act of Congress, to accept a Cession of the Claims of the State of North Carolina to a certain district of Western Territory, and of the Act to prevent the export-

* See page 681.

ation of goods not duly inspected according to the Laws of the several States.

I have the Honor to be,
with great Respect, your obedient
and most humble Servant,
THOMAS MIFFLIN.

Honorable Thomas Jefferson, Esquire, Secretary of State.

SEC'Y JEFFERSON TO PRES. MIFFLIN—DUTIES, 1790.

New York, April 19th, 1790.

Sir,

I have the honor to send you, herein inclosed, two copies, duly authenticated, of the Act further to suspend part of an Act entitled "An Act to regulate the collection of the duties imposed by Law on the Tonnage of ships or Vessels, and on Goods, Wares, and Merchandizes imported into the United States," and to amend the said Act; and of being, with sentiments of the most perfect respect,

your Excellency's most obedient
& most humble servant,
THO. JEFFERSON.

His Excellency The President of Pennsylvania.*

PRES. MIFFLIN TO SEC'Y JEFFERSON—USEFUL ARTS, 1790.

In Council,
Philadelphia, April 26th, 1790.

Sir,

I have the honor to acknowledge the receipt of your Letters of the fifteenth and nineteenth instant, with two Copies of the Act of Congress, to promote the Progress of useful Arts, and of the Act further to suspend part of an Act entitled An Act to regulate the Collection of the duties imposed by Law on the Tonnage of Ships or Vessels, and on goods, wares and merchandize imported into the United, [States] and to amend the said Act.

With sentiments of perfect Respect,
I have the Honor to be your obedient
and most humble Servant,
THOMAS MIFFLIN†

Honorable Thomas Jefferson, Esquire, Sec'ry of State.

* See Col. Rec., Vol. XVI., p. 347.
† See page 685—and Col. Rec., Vol. XVI., p. 347.

Edward Crawford, Jr., to Sec'y Biddle—Marriage Licenses, 1790.

Dr. Sir,

About one year ago, I rec'd 12 blank Marriage Licences, which are all disposed of and accounted for by me, except one.

The bearer here of Mr. John Colhoon, Merch't, will remain in Town a few days, please be so obliging as to forward to me by him, about the same number for the ensuing year. Mr. Colhoon will lodge at the Harp & Crown.

And I am Dr. sir, your obedient

And very humble Servant,

EDW. CRAWFORD.

N.B.—A Bond signed by John McDowell & John Wilken, juns., was enclosed to me from Council, of the 6 Dec'r last, with directions to get Alex. McDowell Surveyor, to sign the same also, & have it recorded, &c. I have seen Mr. McDowell of our County, & he knows nothing about the business; It appears to have been intended for Cum'd Co'y.

E. C.

Chambersberg, 26 April, 1790.

Directed,

Charles Biddle, Esq., Secry. of the Executive Council, of Pennsylvania, at Philadelphia.

No. 1.

Commissioners to Examine the Western Waters, to Pres. Mifflin, 1790.

The Commissioners appointed to examine the Western Waters, pray the President and Council will please to grant them an order on the Treasury for three hundred pounds—an order to Mr. Rittenhouse, to deliver to the Commissioners the states level—to Mr. Ellicott to deliver them a compass belonging also to the State—and to the Commissary of stores to deliver such Tents & other articles of stores as he can supply for the expedition, to be accounted for by them.

T. MATLACK.*

April 23, 1790.

Indorsed,

1790, April 26th. From Timothy Matlack and John Adlum,

* Col. Rec., Vol. XVI., pp. 347 and 349.

Esquires, two of the Commissioners appointed to explore the Western Waters, enclosing an Estimate of the supplies necessary to enable them to proceed.

Read in Council, April 26th, 1790, and referred to Mr. Wilson, Mr. Willing and Mr. Kucher.

Directed,

His Excellency the President & Supreme Executive Council.

—

No. 2.

The Commissioners appointed to proceed to Lake Erie, pray the President and Council will please to grant them an order on the Treasury for one hundred pounds, to purchase some articles, which ought to be procured immediately.

T. MATLACK.

Philadelphia, 17 April, 1790.

Directed,

His Excellency the President and Supreme Executive Council.

—

No. 3.

Estimate of Provisions.

	Men.	Days.	Days.
From Sunbury down to Middletown, 3 men, (& stay there) 13 days,			39
From Middletown to Sunbury & stay there,	5	6	30
From Sunbury to Mouth of Consua,	8	51	408
3 men, returning with horses,	3	10	30
From Consua to Juniata,	5	78	390
Commissioners,	3	148	444
Days Provisions,			1341

Provisions.

25 bls. of Flour,	25 00 00	
150lb of Chocolate boxes, &c.,	8 00 00	
160 of Sugar,	7 10 00	
800lb of Pork & Bacon,	20 00 00	
Pease & Rice,	2 00 00	
Other small stores,	6 00 00	
		68 10 00

4 Horses, @ £12 10,	50 00 00		
4 Pack saddles,	6 00 00		
Axes & Adze,	2 05 00		
Rope, Nails, Gimblets & other small stores, not in the Arsenal,	3 00 00	(much too low)	
Casks for packing, &c.,	4 00 00		
Boat,	15 00 00		
Men's pay, equal to 30 months, at 75s.	112 10 00		
Baggs, say 8, at 5s. 9d.	2 06 00		
		195 01 00	
		£263 11 00	

No rum is estimated, but there must be either in pay or something else as Compensation.
Contingent expences.
And carriage across from Conemach.
Carriage, &c. &c.
Powder & Lead.

No. 4.

Estimate of time.	days	
On the Quitopahilla & Swatara,	7	
To the Juniata, including unavoidable delay at Middletown,	3	
To Sunbury, including the time for viewing Berry's Falls, McGee's Half Falls, Berger's riffle and Shamokin Falls,	6	
At Sunbury in procuring men and horses,	3	
Up the Susquehanna to Sennemahoning,	15	
Investigating that neighborhood, and passing to the mouth of the Consua,	30	51
Exploring the Consua,	6	
Down to the junction of the waters with French Creek,	5	
Exploring Toby's Creek, either going or coming,	10	
Passing from Venango, the Presquile and returning,	20	
Down to the Kiskeminetas, including time for remarks,	10	78
To Stoney Creek,	10	
From Stoney Creek to Juniata,	15	
On the Juniata,	8	
	days	148

And in this estimate very little if any allowance is made for rainy weather, and every thing is supposed to go strait forward without extra delay of any kind.

COPY—RECEIVER GENERAL TO COMPTROLLER GENERAL, 1790

John Nicholson, Esq'r,
Sir,

Please to furnish me with the following particulars.

1st, The amount & number of new Loan Certificates, issued for Continental Certificates received on Loan.

2d, The amount & number of New Loan Certificates, issued for Certificates of same description, consolidated or divided to accomodate the parties to the 28th March, 1789.

3d, The amount & number of Certificates issued for the depreciation of Pay due the late Army. Funded, } to 28th March,
Do. Do. Unfunded, } '89.

4th, The amount & number of said Depreciation Certificates, issued for Certificates of same description, consolidated or cut up to accommodate the parties. Funded, } to 28th March,
Do. Do. Unfunded, } '89.

5th, The amount & number of Militia or Funded Debt, Certificates, issued for the Debts of this State ℔ Act of 1st April, 1784, to the 28th March, 1789.

6th, The amount & number of said Funded Debt Certificates, issued for Certificates of same description, consolidated or cut up to accommodate the parties, to the 28th March, 1789.

7th, The amount of Indents you have paid Thomas Smith, Cont. Loan Officer, to 28th March, 1789, for account of this State, & also the amount paid since that Period to 1st April, 1790.

8th, The Account of all Certificates issued by or under the authority of this State, received by the Comptroller General for account of this State, other, than those receiv'd from the Receiver General for lands sold in the Old & New Purchase.

9th, An Account of all Pensions due to the Invalids ℔ Act of 22d September, 1783, for which warrants may yet issue to compleat the payments to 1st May, 1789, agreeable to Act of 27th March, 1789.

10th, An account of all warrants issued by the Supreme Executive Council on the Treasury, previous to 28th March, '89, that remain'd outstanding or unpaid on said 28th Mar., '89, & the Funds out of which they may be payable.

11th, An Account of all the Exonerations made by the different Counties for State Taxes, so far as the same may have been furnish'd your Office.

All these Objects are essentially necessary for the arrangements making in this Office. I must beg your answer when I may expect

them & shall be oblig'd by your rendering them as speedily as possible.

I am, Sir, yours &c.

Register Genl. Office, 26th April, 1790.

Indorsed,

1790, April 26th, Copy of a Letter from Jno. Donaldson, Esq'r, Register General, to John Nicholson, Esq'r, Comptroller General, containing a request to be furnished with accounts of Certificates.

ESTIMATE OF EXPENSES BY COMMISSIONERS ON SUSQUEHANNA, LEHIGH, SCHUYLKILL, &c., 1790.

Estimate of the expence by the Commissioners for exploring the the N. E. Branch of Susquehanna, Leighy, Schuylkill, &c., in the purchase of provision, payment of hands, &c., as ℈ the list annexed, for which they will need mony advanc'd.

The time necessary estimated at 2½ Months.

2	pack horses,	22		
2	ditto. on hire part of time,	5		
4	pack saddles, 15s.,	3		
1	large Canoe at great Bend,	2		
8½	Cwt. of Flour, 30s.,	12	15	
530	lbs. Bacon @ 6½d.	14	7	1
75	" Chocolate, 1s. 1,	4	1	3
90	" Sugar, 70s.,	3	3	
	Sousong and Bohia tea, pepper, Mustard, &c.,	1		
8	Casks of near half Barrel, ea.,	1		
4	large canvass bags,	1		
	Teakettle, tins, Spoons, &c.,	1	5	
	Transportation of 800 lbs. of provision to near the forks of Delaware, @ 20s.	8		
1	Man to assist in Surveying & other occasional service, 5s.,	18	15	
3	Other hands @ 75s. month,	28	2	6
	Stationary,	1	1	2
		£126	10	

Exchange @ 10 equal to £139 3 paper m.

2 Tents,

2 Campkettles,

2 axes and some Cord we suppose may be had from the C. of Military Stores.

In behalf of the s[d] Commissioners,
READING HOWELL.*

Phila., April 27th, 1790.

Directed,

To his Excellency the president and Executive Council.

Indorsed,

Read in Council, April 27th, 1790, and an order drawn upon the Treasurer for £139 3 0.

J. TRIMBLE, for
CHAS. BIDDLE, Secy,

REPORT OF COMMITTEE ON LETTER OF COMPTROLLER GENERAL, 1790.

The Committee appointed on the letter of the Comptroller General of the 13th Instant, respecting the business to be transacted between him & the Comptroller Genl. of the United States, relating to the exchange of Certificates, beg leave to offer the following Resolution as proper to be adopted by Council.

Resolved, That the Comptroller Genl. be and he hereby is instructed on the return of Certificates of debts of the United States, entered on the books of the Register of the Treasury of the United States which have been assigned to the Commonwealth of Pennsylvania for new loan Certificates presented to be exchanged therefor, to deliver therewith a letter of Attorney other proper instruments to the party receiving such Certificates to the end that, as the said Certificates are not assignable or payable to bearer the party may be enabled to reinvest the property in themselves by a transfer on the books of the Treasury of the United States.

Indorsed,

Report of a Committee on the Comptr. Genl's Letter, Inclosing the Letter of the Auditor Genl. of the U. S. on the subject of Exch'g Certificates.

Read 1st Time, 16th Jan., 1790.

Read 28th April, 1790, and adopted.

The enclosures lent to Mr. Gallatin a member of the Committee of Investigation.

* See instructions Col. Rec., Vol. XVI., p. 346 also 348.

REGISTER GENERAL TO PRES. MIFFLIN, 1790.

His Excellency Thomas Mifflin, Esq'r, & the Hon'ble Supreme Executive Council,

In conformity to the 12th Section of the Law of 1st April, 1790, requiring, "that the Comptroler General & Register General shall "once in every month in the presence of two Members of the "Supreme Executive Council, examine all Certificates granted by "this State, & received in Exchange by the Comptroller General, "and after taking lists thereof in the manner hereinbefore directed; "such Certificates shall be delivered to the Register Genl., for the "purpose of being cancelled & preserved in the manner aforesaid, "&c." I have the honor to inform your Hon'ble Board that I am ready to enter upon the above duties whenever you shall think proper to appoint a Committee for the above purpose.

I have the Honor to be

with great respect,

your most obed. h'ble serv't,

JOHN DONNALDSON.

Register General Office, May 3, 1790.

Directed,

His Excellency, Thomas Mifflin, Esq'r, in Council.

Indorsed,

Read in Council, May 4th, 1790.

SEC'Y JEFFERSON TO PRES. MIFFLIN, 1790.

New York, May 5th, 1790.

Sir,

I have the honor to send you, herein inclosed, two copies, duly authenticated, of the Act for the punishment of certain crimes against the United States: also, of the Act for regulating the military establishment of the United States, and of being, with sentiments of the most perfect respect,

Your Excellency's most obedient

& most humble servant,*

TH. JEFFERSON.

His Excellency The President of the United States.

* See Col. Rec., Vol. XVI., p. 360.

PETITION OF THOMAS MARTIN—WYOMING, 1790.

To the Honorable Supreme Executive Council of the State of Pennsylvania. The Petition & remonstrance of Thomas Martin humbly sheweth,

That your Petitioner purchased his Land at Wioming under the title of the State, from Col. Charles Stewart, & that he has lived on the same for some years past, in quiet & peaceful possession, & paying uniform Subjection to the Laws of this Government.

That on the 21st day of April last, he was Summon'd by the Civil Officer to appear before Benjamin Carpenter & Chris'r Hollibert, Esqrs., two Magistrates of this State, upon a Complaint of the Widow Stewart, & they Instantly turned him & his helpless family out of his House and plantation, under some pretence of his having been Her Tenant & living on Her Land.

That your petitioner never leas'd any Lands from Her, but held & possess'd his Lands in his own right, by virtue of the aforesaid purchase under the title of Pennsylvania, & that he has never heard of any title that she pretends to set up for the Land, unless it be from the Susquehannah Company, which was set aside by the Decree of Trenton.

That your Petitioner, thus deprived of his Freehold, & turned out of Doors by the operation of a Couple of Magistrates, in a summary way, and without any opportunity of adducing his Witnesses to ascertain his right to said Land, humbly requests your Honorable Board to Inform him whether the peacable Citizens of this State are thus liable to be disseized of their Freeholds without remedy from your Honorable Body.

Your Petitioner, therefore, humbly requests the Interposition of your Authority to restore him to his Possession, & enquire into the Conduct of the said Magistrates, & do such other things as in your wisdom you should think proper & necessary to be done; & your Petitioner, as in Duty bound, shall ever Pray, &c.*

THOMAS MARTIN.

Philada, March 7th, 1790.

I have considered the within petition and examined the record of the proceedings of the Magistrates therein mentioned. The proceedings were had under an act of Assembly of this State, & are sufficiently regular upon the face of them to justify the Magistrates. But if on the hearing, any oppression has been used towards the complainants, redress may be had by information in the Supreme Court, upon oath being made of the facts: & if the proceedings are not sufficiently regular, they may be quashed in the same Court & the def'ts restored to their possession. I am of opinion that any

* See Col. Rec., Vol. XVI., 359.

interference of Council would be improper, unless it were to direct an information or prosecution for undue practice or oppression, (if such there has been in the conduct of the Magistrates.)

W. BRADFORD, Jun.

Indorsed,

Read 1st Time 8th May, & referr'd to V. P., Dr. Greg & Dr. Wilkins. Reported 11th May, 1790.

ABSTRACT OF ACCOUNTS OF PENNSYLVANIA AGAINST THE UNITED STATES, 1790.*

	Specie. Dollars.	Cont'l Mo. Dollars.
Payments on Requisitions,	656,226 85	36,454,005 00
4 10ths of 1,495,000 Doll'rs Emis. June, 1780,	598,000 00	
Paid in indents,	182,662 55	
The Cloathing Department,	144,870 00	3,950,245 00
Pay of the army,	166,462 83	4,020,204 00
Recruiting, do,	863,987 33	
Depreciation of do.,	1,568,444 20	
Ordnance & Military stores,	390,552 00	110,420 00
Militia,	1,389,716 62	604,910 00
Horses purchased for the Army,	104,532 63	28,000
Provisions,	97,151 49	9,000 00
Specific supplies,	788,639 25	
Quarter Master's Department,	60,301 00	87,408 00
Hospital, do,	8,547 13	1,986 00
Navy,	601,982 28	420,806 00
Powder and Salt Peter Works & Gun lock factory,	101,722 16	22,450 00
Contingent expences,	30,241 41	
Accounts of various descriptions,	1,884,534 65	1,140,799 48
Flying camp,	83,146 60	
Prisoners of War,	472 68	
Apprehending deserters,	332 07	
Continental Certificates received in taxes,	62,074 36	8,000 00
Invalid Pensioners,	61,018 60	3,740 00
Pensions to Widows and Children,	68,000 00	19,450 00
Fortifications,	154,860 00	18,490 00
Expresses,		7,688 42

* See letter to delegates enclosing it—Col. Rec., Vol. XVI., p. 359.

Barracks,	16,725 30	3,427 00
Paid Interest on Certificates of the United States,	434,265 70	
Paid sundry officers of The United States,	68,052 61	
Do., Mease & Caldwell, Genl. Hand, &ca.,	54,880 00	
Amount,	10,642,403 40	47,010,138 00

RETURN OF MILITARY STORES, OF PENNSYLVANIA, MAY 12th, 1790.

Wood Axes,	2
Bayonet Belts,	261
Brushes and Wires,	2042
Cartrid'g Musket loaded,	1400
Cartooch Boxes,	275
Canteens,	205
Crow Bars,	2
Carbines,	2
Cutlasses,	136
Gunners belts,	9
Handspikes,	8
Knapsacks,	205
Hammers,	5
Leather, half sides,	2
Musket Locks,	500
Ladles,	6
Muskets,	40
Slow match, lbs.,	77
Measures, powder,	6
Pouches, Rifle,	814
Sheets of Cartridge Paper, Cannon,	11
Screw drivers,	339
Gun Scrapers,	5
Cannon Searchers,	1
Grape shot,	335
Round Shot 12 pdrs.,	130
9 pdrs. do.,	321
6 pdrs. do.,	514
Dou. head Shot,	231
Chain do.,	22
Star do.,	44
Ordnance Brass, 12 pdrs.,	2

Ordnance Iron, 9 pdrs.,	6
Ditto 6 pdrs.,	16
Musket Ball, a large quantity,	
Side lanterns,	13
Hand do. small,	1
Pistols,	8
Shovels,	60
Spades,	20
Tents horseman's,	3
Do. common,	154
Do. poles, long,	66
Ditto, short,	38
Truck Wheels, iron,	14
Clocks weights, iron,	442
Sash do., do.,	106
Worms Screws,	826
Scales, pairs of small,	1
Weights Brass,	1
Camp Kettles,	4
Pikes,	36
Blunderbusses,	4
Tin, sheets of,	56
Tube Boxes,	3
Wooden Maul,	1
Wedges iron,	2

They are stored in my House near the George Tavern, in Arch street and in the State house celler, and at the Arsenal in the Commons near Chesnut Street.

JOSEPH STILES, C. M. Stores.

PRES. MIFFLIN TO SECY. JEFFERSON, 1790.

In Council,

Philadelphia May 13th, 1790.

Sir,

I have the Honor to acknowledge the Receipt of your Letter of the 5th, instant* with two copies of the Acts of Congress "for the punishment of certain crimes against the United States" and for regulating the Military establishment of the United States.

I have the honor to be, with
great Respect your obedient
and very humble Servant,

Directed, THOMAS MIFFLIN.

Honorable Thomas Jefferson, Esq., Secy. of State.

* See page 696.

Executors of Doctor Franklin to Pres. Mifflin—His Portrait, 1790.

The Executors of the will of the late Doctor Franklin, present their most respectful compliments to the President of the Supreme Executive Council, and pray they may be made acquainted with their pleasure respecting a bequest of the said Testator in the following words:

"My picture drawn by Martin in 1767, I give to the Supreme "Executive Council, of Pennsylvania, if they shall be pleased to "do me the honour of accepting it, & placing it in their chamber."

Directed,

The President of the Supreme Executive Council of Pennsylvania.

Rough Draft of Pres. Mifflin's Reply to Dr. Franklin's Executors, 1790.

Gentlemen,

The Supreme Executive Council of Pennsylvania, have received the Extract from Doctor Franklin's Will, in which his Portrait drawn by Martin in 1767, is offered for their acceptance.

The services rendered by that illustrious Citizen to his country during a long and active Life, have raised a monument of Gratitude and affection to his memory, which cannot be improved by Art nor destroyed by Time. But the present instance of his regard is peculiarly pleasing to a Body, of which all the members have been informed by his wisdom and many have been honoured by his Friendship.

We cannot, therefore, hesitate in declaring our cordial acceptance of the Legacy; which being placed in the Council Chamber may become a public Benefit; and lead from contemplating the picture to an imitation of the patriot.

Directed,

The Executors of the last Will and Testament of Doctor Benjamin Franklin.

Indorsed,

May 14, 1790. Executors, HENRY HILL,
JOHN JAY,
FRANCIS HOPKINSON, Esqr.,
EDWARD DUFFIELD,

* See Col. Rec., May 11, Vol. XVI., p. 358.
† See Col. Rec., Vol. XVI., pp. 358, 361.

LIEUT. JOSEPH TORRENCE OF FAYETTE CO., TO SEC'Y BIDDLE, 1790.

May 24th, 1790.

Sir,

You will please to observe in the Inclosed return that the subaltern Officers of the fourth Company of the third Batalion is yet vacant arising from the return not yet being made to me as also No. 6 of the fourth Batalion is not yet Chosen, arising from some controversy in the election, there is a company to be added to each, viz: first, third & fourth Batalions, but as the County was never districted it takes some time to have the Militia Organized, if it is consistent I would be glad to have Blank commissions forwarded for the rest of the Officers, but if otherways I perhaps may be able to make the returns by Nathaniel Brading, Esq., member of Council for our County. I would request the commissions to be forwarded by the bearer, Doctor Robert McClure, who will be a safe conveyance for the same. We are in a great [confusion] and void of regularity, but I hope to have the Law attended to in respect of the Militia.

I am, Sir, with respect,
Your very humble Servt.,
JOSEPH TORRENCE.

Directed,

Charles Biddle, Esq., Secretary, Philadelphia.

JOHN NICHOLSON TO PRES. MIFFLIN—DEPRECIATION LOTS, 1790.

Philad'a, May 28th 1790.

Sir,

From the same desire to raise the price of the Depreciation lots of The state at Public sale that actuated me when the City Lots were selling (upon which I have done myself the honor of addressing you before,*) I bid them up in doing which *sixteen* have been struck off to me in *Elden* district, in these also I would wish to leave to the choice of your Honorable Board, whether I shall be considered in the situation of other purchasers or whether they shall be considered as the property of the State.

I have the honor to be,
with very great respect, Sir,
your most obed't Servant,
JNO. NICHOLSON.

Directed,

His Excell'y the Presd. in Council.

* See page 590; also Col. Rec., Vol. XVI., pp. 94 and 376.

SEC'Y JEFFERSON TO PRES. MIFFLIN, 1790.

New York, May 28th, 1790.

Sir,

I have the honor to send You herein enclosed, two copies duly authenticated, of the Act for the Government of the territory of the United States, south of the river Ohio; Also, of the Act to continue in force the act passed at the last session of Congress, entitled, "An "Act to regulate processes in the Courts of the United States;" also of the Act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue Laws in certain cases therein mentioned; also, of the Act to prescribe the mode in which the public Acts, Records, and Judicial proceedings in each State shall be authenticated so as to take effect in every other State; and of being with sentiments of the most perfect respect,

Your Excellency's most obedient
and most humble servant,
TH. JEFFERSON.

Directed,
His Excell'y The President of Pennsylvania.

PRES. MIFFLIN TO SEC'Y JEFFERSON, 1790.

In Council,
Philada., June 3rd, 1790.

Sir,

I have the honor to acknowledge the receipt of your Letter of the twenty-eighth of last month, inclosing two Copies of the several Acts of Congress undermentioned, Vizt.: An act for the Government of the Territory of the United States, South of the River Ohio.

An Act to continue in force the Act passed at the last Sessions of Congress, entitled An Act to regulate processes in the Courts of the United States.

An Act to provide for mitigating or remitting the forfeitures and penalties accruing under the Revenue Laws in Certain cases therein mentioned—and An Act to prescribe the mode in which the public Acts, Records and Judicial proceedings in each State shall be authenticated.

I have the honour to be, with
great respect, Sir, your obedient
and Most Humble Servant,
THO. MIFFLIN.

Dirrcted,
Honorable Tho. Jefferson, Esquire, Secretary of State.

ANDREW ELLICOTT TO PRES. MIFFLIN, 1790.

Philadelphia, June 3d, 1790.

Gentlemen,

In order to satisfy the Indians, and insure safety to myself, and party, in the execution of the resolve of Congress of June 6th, 1788, I think it will be necessary to have a copy of the Deed given by the Senecas, to Messrs. Butler, and Gibson, Commissioners on behalf of the State of Pennsylvania, for certain lands lying on the south side of Lake Erie, and west of the Conawango River, and the Carrying place between Lake Chaughtaughque, and Lake Erie.*

I am Gentlemen, your Hbl. Serv't,

ANDREW ELLICOTT.

Directed,

His Excellency, The President and Supreme Executive Council, Pennsylvania.

Indorsed,

1790, June 3d. From Andrew Ellicott, Esquire. Read in Council June 4th, 1790, and agreed to grant the request.

INVITATION OF COLLEGE OF PHILADELPHIA TO COMMENCEMENT, 1790.

College of Philad'a, June 7th, 1790.

His Excellency the President and Supreme Executive Council of the Commonwealth of Pennsylvania, are requested to honour the College with their Company at the *Medical Commencement*, to be held in the College Hall to Morrow, at 10 o'Clock A. M.

WILLIAM SMITH,

Provost of the College.

Directed,

His Excellency, the President and supreme executive Council, Pennsylvania.

No. 2.

University, June 7th, 1790.

The Faculty of the University of Pennsylvania, present their Compliments to his Excellency the President, and Honourable

* See page 529–533, also Col. Rec., Vol. XVI., p. 375.

Members of the Supreme Executive Council of the State; and request the Favour of their Company at a public Examination of Candidates for degrees in the arts and in Medicine, to be held in the Hall of the University to-morrow morning at 10 o'Clock.*

Directed,

His Excellency the President of the Supreme Executive Council of Pennsylvania.

SEC'Y JEFFERSON TO PRES. MIFFLIN, 1790.

New York, June 8th, 1790.

Sir,

I have the honor to send you, herein inclosed, two copies, duly authenticated, of the Act for the encouragement of learning, by securing the copies of Maps, Charts and Books to the authors and proprietors of such copies, during the time therein mentioned; also, of the Act for finally adjusting and satisfying the claims of Frederick William de Steuben: also, of the Act for giving effect to an Act intituled "An Act to establish the Judicial Courts of the United States" within the State of North Carolina; also, of the Act supplemental to the Act for establishing the Salaries of the Executive officers of Government, with their Assistants and Clerks, and of being, with sentiments of the most perfect respect,

Your Excellency's most
obedient & most obedient servant,

TH. JEFFERSON.†

His Excellency The President of Pensylvania.

SEC'Y JEFFERSON TO PRES. MIFFLIN, 1790.

New York, June 17th, 1790.

Sir,

I have the honor to send you, herein inclosed, two copies, duly authenticated, of the Resolution respecting the arrears of pay due to the troops of the lines of the States of Virginia and North Carolina; also, of the Act for giving effect to the several Acts therein mentioned, in respect to the State of Rhode Island and Providence plantations; also, of the Act for relief of Thomas Jenkins and company; also, of the Resolution for the publication of treaties made, or which

* See Col. Rec., Vol. XVI., p. 396.
† See Col. Rec., Vol. XVI., p. 381

shall be made, under the authority of the United States, and of being with sentiments of the most perfect respect,

Your Excellency's most
obedient & most humble servant,
TH. JEFFERSON.

His Excellency The President of Pennsylvania.

PRES. MIFFLIN TO SEC'Y JEFFERSON, 1790.

In Council,
Philadelphia, June 17th, 1790.

Sir,

I have the honor to acknowledge the Receipt of your Letter of the 8th of June instant, inclosing two Copies of each of the undermentioned Acts of Congress, vizt. :

An Act for the encouragement of Learning, by securing the Copies of Maps, Charts and Books, to the Authors and Proprietors of such Copies during the time therein mentioned.

An Act for finally adjusting and satisfying the Claims of Frederick Wm. De Steuben.

An Act for giving effect to an Act entitled An Act to establish the Judicial Courts of the United States within the State of North Carolina, and [An] Act supplemental to the Act for establishing the salaries of the Executive Officers of Government. I have the honor to be,

with great Respect, Sir,
your obedient and most humble Servant,
THOMAS MIFFLIN.

Honble. Thomas Jefferson, Esquire, Secretary of State.

COUNTY COMMISSIONERS TO COUNCIL—SOLITARY CELLS, 1790.

To the Honorable the Supreme Executive Council of the Commonwealth of Pennsylvania.

Gentlemen :

The Commissioners for the County of Philadelphia request that Council will be pleased to draw Orders on the State Treasurer for

the Sum of Five Hundred Pounds, which, by the Act to reform the Penal Laws of this State, is appropriated to the use of Building Cells and Walls in the Yard of the Goal of this County.

By Order of the Board,

GEORGE HONEY, Junr., Clerk.*

Philada., June 22d, 1790.

Directed,

His Excellency Thomas Mifflin, Esqr., President, &c., &c.

SECY. JEFFERSON TO PRES. MIFFLIN—COURTS, 1790.

New York, June 25th, 1790.

Sir,

I have the honor to send you herein inclosed two copies duly authenticated of the Act for giving effect to an Act, intituled "An Act to establish the judicial courts of the United States," within the State of Rhode Island and Providence plantations, and of being with sentiments of the most perfect respect

your Excellency's most
obedient & most humble servant,

TH. JEFFERSON.†

Directed,

His Excellency The President of Pennsylvania.

SECRETARY OF WAR TO PRES. MIFFLIN—INDIANS, 1790.

War Office, July 3d, 1790.

Sir,

By order of the President of the United States, I have the honor to inform your Excellency that Colonel McGillivray‡ and a number of the principal chiefs of the Creek nation, are on their way to this City, and that they will probably come through Philadelphia, accompanied by Colonel Maurinus Willett.

As these chiefs, particularly Colonel McGillivray, influence entirely the councils of the powerful nation of the creeks, The President is desirous that they should experience every proper civility and kindness.—He is persuaded that your Excellency will have the goodness

* See Col. Rec., Vol. XVI., p. 388.
† See Col. Rec., Vol. XVI., p. 392.
‡ See Col. Rec., Vol. XVI., p. 395, 404, 405.

to forward his views in this respect, and He therefore has desired me to recommend them with Colonel Willett to your attentions.

I have the honor to be
your Excellency's
most obedient Humble Servant,
H. KNOX,
Sec'y of War.

Directed,
His Excellency, President Mifflin, Philadelphia.

INSTRUCTIONS TO CHAS. PETTIT—U. S. ACCOUNTS, 1790.

In Council,
Philadelphia, July 6th, 1790.

Sir,

The Supreme Executive Council of Pennsylvania confiding in your Ability, Industry and Integrity have this day elected you The Agent to settle the Accounts of this State with the United States.

They have Instructed the Treasurer, Comptroller and Register to give you Access to such Books, Records & Papers in their respective offices as may relate to the accounts abovementioned and they have directed them to furnish you with such Transcripts and Documts. as you may judge necessary to the Settlemt. of the public accts.

We do not think it expedient at this time to give you particular Instructions on the Subject—We have only to recommend to you to exert yourself in preparing for the adjustmt. and final Settlemt. of the State accts. and from time to time give us Information of your Progress in the Business and of any Difficulties which may occur therein.

SECRETARY JEFFERSON TO PRES. MIFFLIN, 1790.

New York, July 6th, 1790.

Sir,

I have the honor to send you herein inclosed two copies duly authenticated of the act providing the means of intercourse between the United States, and foreign nations; also of the act for the relief of Nathaniel Twining; also of the act to satisfy the claims of John

* See Col. Rec., Vol. XVI., p. 411.

McCord against the United States, and of being with sentiments of the most perfect respect,

your Excellency's most obedient,
& most humble servant,
TH. JEFFERSON,

Directed,
His Excellency The President of Pennsylvania.

SECRETARY JEFFERSON TO PRES. MIFFLIN—CENSUS, 1790.

New York, July 9th, 1790.

Sir,

I have the honor to send you herein inclosed two copies duly authenticated of the act for giving effect to an act intituled, "an act providing for the enumeration of the Inhabitants of the United States," in respect to the State of Rhode Island and Providence plantations; also of the act to authorize the purchase of a tract of land for the use of the United States; and of being with sentiments of the most perfect respect,

your Excellency's most obedient
& most humble servant,
TH. JEFFERSON.

Directed,
His Excellency, The President of Pennsylvania.

LT. BERNARD HUBLEY TO PRES. MIFFLIN—INDIAN MURDER, 1790.

Northumberland, July 12th, 1790.

Sir,

This Day I received a Letter with an application or Request, sign'd by Robert Fleming, Esqr., and Twenty six Inhabitants at or near Pine Creek, setting forth, that on account of the murder Committed lately there upon some Indians, the Inhabitants of Pine Creek for Seventeen miles from its mouth, have Deserted their Habitations dreading danger from the Indian Hunters now on the Head waters of said Creek, and if some speedy method is not adopted to secure the Inhabitants, they are apprehensive the settlement will be ruined they therefore requested me to send them about Thirty or Forty men, with Arms, Ammunition & Provission, in order that they might if

possible secure their Crops, and Preserve the Settlement from entirely breaking up. I herewith enclose a Copy of my answer to them.

I have the honor to
Subscribe myself Sir, your
ever Obd't Humble Servant,
BER'D HUBLEY,
Lieut. Norht'd County.

Directed,

His Excellency The Presid't or Vice Presid't in Council.

LT. BERNARD HUBLEY TO INHABITANTS OF PINE CREEK—INDIAN MURDER, 1790.

Northum'd, July 12th, 1790.

Gentlemen,

Your Letter of the 10th, Inst. with the Inclosed request I this day received but cannot comply therewith, every Thing in my power for the welfare of our County I will always endeavour cheerfully to do. In this Instance I can do nothing without the Immediate Directions from Council, were I to attempt anything of the kind to send you Troops for your Protection, it would rather be consider'd among the Indians that we intended Hostilities with them, I am sorry and feel the distresses of those who may become sufferers by the breaking up of the settlement, had the Indians been the Perpetrators of such a horrid Deed as the Walker's committed I should not hesitate a moment to send such relief as might be requisite, and then only to act upon the Defensive, It would be Imprudent and Impolitic as the affair stands, to send any armed Force; had the Walker's been apprehended, it would have plainly proven to the Indians that the People in General are well dispos'd, I am sorry for the good Dispos'd in your Parts that your situation renders you so liable to danger on account of some bad Characters living near you; were an armed Force to appear up there, it would meet with a bad tendency to the Commissioners who are out exploring the waters; Coll. Wilson immediately upon the receipt of the affair sent off an Express to Council, the return of which is now daily expected.

I remain Gentlemen, your
most Obedient Humble Serv't,
BER'D HUBLEY,
Lieut. North'd County.

Rob't Fleming Esqr. Col. Jno. Chatham and other Inhabitants at and near Pine Creek North'd County.

Directed,

His Excellency The President or Vice Presid't in Council State of Pennsylvania.

* See Col. Rec., Vol. XVI. pp, 396, 397, 398.

SEC'Y BIDDLE TO COL. MAURINUS WILLET—INDIANS, 1790.

Secretary's Office,
Philada., July 15, 1790.

Sir,

The President & Council of this state have received a letter from the Secretary at War, acquainting them that Colo. McGillivray and a number of the Principal Chiefs of the Creek nation, accompanied by you, are expected to pass thro' this City on your way to New York. You will oblige me by informing me from Baltimore at what time you expect to be in this City.

I am, Sir, with great Respect,
Your most obedient and humble Servant,
CHAS. BIDDLE, Sec'y.*

To Colonel Maurinus Willet.

COLLEGE OF PENNSYLVANIA TO COUNCIL, 1790.

College of Philadelphia, July 15th, 1790.

The Trustees and Faculty of the College of Philadelphia request to be honoured with the Company of his Excellency the President and Supreme Executive Council, at a Commencement to be held in the College Hall on Saturday Morning next, at Nine O'Clock.

WILLIAM SMITH, Provost, &c.†

Directed,

To his Exceellency the President and Supreme Executive Council of the Commonwealth of Pennsylvania.

PRES. MIFFLIN, TO SEC'Y OF WAR—INDIANS, 1790.

In Council,
Philada., July 15, 1790.

Sir,

I have the honor to acknowledge the receipt of your letter of the 3d inst.,‡ informing Council that Mr. McGillivray and several other Chiefs of the Creek Nation of Indians, are on their way to Congress on public business. Should they pass thro' this City, you may assure the President that every proper attention will be paid to them by the Government of this State.

I have the honor to be, with great respect,
your most obedient and humble servant.

Honorable Henry Knox, Esquire, Secretary at War.

* See pages 707, —also, See Col. Rec., Vol. XVI., pp. 395, 404, 405.
† See Col. Rec., Vol. XVI., p. 403.
‡ See page 707.

Sec'y Jefferson to Pres. Mifflin, 1790.

New York, July 19th, 1790.

Sir,

I have the honor to send you, herein inclosed, two copies, duly authenticated, of the Act for establishing the temporary and permanent seat of the Government of the United States: Also, of the Act further to provide for the payment of the Invalid Pensioners of the United States, and of being, with sentiments of the most perfect respect,

Your Excellency's most obedient
& most humble servant,
TH. JEFFERSON.*

His Excellency The President of Pennsylvania.

Indian Prisoners to Sec'y Biddle, 1790.

We James Cresswell and Ann his Wife with two Children, Walter Creswell and Margaret his Wife and one Child, David Mears and Elizabeth his Wife and three Children and John Evans, lately residents in the County of Huntingdon, in the State of Pennsylvania, do most earnestly request that your Honor, will have the goodness to make public, as soon as possible, that we were made prisoners on the 27th day of June last, within 7 Miles of Limestone Landing on the Ohio River, by a party of Saganan Indians 18 in Number, who stripped us of all our goods and Effects, tied us together by the Necks & brought us on the 23d of the Present Month of July to Detroit, on our way to the Saganan Village on Lake Huron. That Major Smith of the 5th Regimt. commanding at that Post, assembled the said Indians & us their prisoners. And after a talk of some Length, the War Chief made a present of us all to the said Commandant, who instantly gave us our freedom, ordered us a house to live in, with new bedding & clothing for ourselves and familys, together with provisions, Kettles, firing & every thing necessary for a comfortable subsistence, until he shall have an opportunity, of conveying us safely back to some of the American Posts

We have no View in desiring this to be made public except for the information of our Relations & friends and that of acknowledging to all the World, our gratitude and sense of obligation, for the inestimable blessing of Liberty & happiness, we now enjoy, through

* See Col. Rec., Vol. XVI., p. 408.

the intercession & humane disposition of His Britannick Majestys Commandant at this Post.

JAMES CRESSWELL,
WALTER CRESSWELL,
JOHN ⋈ EVANS, MARK.
DAVID MEARS.

Be please to Notify also that John Canada, half Brother to Jas. Cresswell was taken by the same party & left at Glaze Town on the Toway River, And that orders will soon be sent from hence to have him brought to Detroit also.

Detroit, 26th July, 1790.

Directed.

To the Secretary of the State of Pennsylvania.

SEC'Y JEFFERSON TO PRES. MIFFLIN—DUTIES, &c., 1790.

New York, 27th July, 1790.

Sir,

I have the honor to send you herein enclosed two copies duly authenticated of an act imposing Duties on the Tonnage of ships or Vessels; also for an act for the Government and Regulation of Seamen in the Merchants Service; also of an act to amend the act for the Establishment and support of Light-houses, Beacons, Buoys and Public Piers; also of an act to regulate Trade and Intercourse, with the Indian Tribes; also of an act providing for holding a Treaty or Treaties to Establish Peace with certain Indian tribes; and of being with Sentiments of the most perfect respect,

Your Excellency's Most obedient,
and Most humble Servant,
TH. JEFFERSON.*

Directed,

His Excellency the President of Pennsylvania.

DAILY ADVERTISER ESTABLISHED, 1790.†

The Editor of the intended "Daily Advertiser," &c., having been informed that Council commonly take a small number of News Papers from the several printers in the City, indulges the hope that they will be equally favorable to his undertaking. He trusts that

* See Col. Rec., Vol. XVI., p. 415.
† See Col. Rec., Vol. XVI., p. 409.

by his attention to the business, his paper will be rendered worthy of their perusal, and at times convey intelligence acceptable to them.

Any commands that Council may think fit to favour the Subscriber with, in the line of his business, will be gratefully received and carefully attended to, by

their most obedient, and
most humble Servant,
B. F. BACHE.

Indorsed,—July, 1790.

Directed,

The Supreme Executive Council of the State of Pennnsylvania.

S. Freeman to Pres. Mifflin—Indian Murders, &c., 1790.

Portland, August 5, 1790.

Sir,

Four or Five Persons have lately appeared in some of the back Towns in this County (*Cumberland*, State of Massachusetts) who, in the absence of the Husbands, have been to their Houses, & begging Victuals of their Wives; but when the man of the House returned, would run off. The Women who show them Hospitality, receive, in return, only abusive Language, and, in some Instances, the Victuals given to these Fellows have been thrown back in the Faces of those who kindly gave it. They appear singly, no two having been to any House together, and give no good account of themselves.

One of them has been apprehended and brought before me, as a Justice of the Peace in this County. Upon his examination, he told me he came directly from Halifax, through the Woods, alone, a little more than three Weeks ago; but by Evidence of other Persons, he has been in this County more than three Weeks, & he has told People that he came from Philadelphia.

I take the liberty to give your Excellency this Account, as I recollect to have seen, lately, a Proclamation for apprehending sundry Persons who murdered two friendly Indians at Pine Creek.* I cannot find any Paper now that has the Proclamation in it, but I direct this to your Excellency, as it appears by our Register that you preside in the State of Pennsylvania.

The Person apprehended, as above mentioned, and who is now in Goal, is of a dark Complexion, has small, black eyes, is marked with the small Pox, is five feet, four Inches high, & says he is 19 years old.

* See page 709, and see Col. Rec., Vol. XVI., pp. 397, 398, 416, 422.

He appears to be young, is cross & sulkey, has doubtless done mischief somewhere. It is supposed by many, that these fellows are the murderers of the Indians above mentioned, which is the cause of my writing this.

If otherwise, I doubt not your Excellency will excuse this Liberty.

I am, most respectfully,

Your Excellency's obedient, humble Servant,

S. FREEMAN.

Directed,

His Excellency Thomas Mifflin, Esq., President of the State of Pennsylvania, Philadelphia.

GEN. RICH'D BUTLER TO PRES. MIFFLIN, 1790.

Pittsburgh, August 8th, 1790.

Sir,

I have the honor to inclose your Excellency a copy of a paper which I received on the 6th from the Honbl. the Governor of the western Territory, demanding a quota of the militia of this county amounting to sixty rank & file, with proper Officers. Having never received any Instructions from you respecting the Subject of ordering, out the Militia, I feel myself at some loss on this Occasion; however from the Statement or Representation made by the Governor, and the Authority under which he made the demand, I presume it right to comply; shall therefore Order the number required to be proportioned to the Strength of the Respective Battallions, and taken from the first Class, to hold themselves in readiness to march again the time mentioned, having no doubt of receiving your Excellency's Orders for that purpose in time. I beg leave to inform your Excellency, that I have no reason to think they can Arm themselves, as required, the Officers having assured me there is not half arms Among the people, & of that proportion few or none belonging to to the public. Your Excellency, from this information, will be better Able to judge of the mode & necessity of Supplying the Arms, &c.

I am Sorry to have to inform your Excellency, that we have in this County felt some of the Effects of the hostile disposition of the Indians. About ten days since, they have taken away seven horses from the people living on the Allegany River, about sixteen miles Above Pittsburgh; And on the 2d Inst't several from the mouth of Racoon, below Beaver creek. I should be sorry to incur the charge of presuming on the Authority of the State, by taking any premature or improper step without instructions from your Excellency, but I flatter myself the preservation of the people & their property will be

considered of the first importance & justfy any measure I may take for that purpose, till I can hear from you. As there is great reason to fear we shall receive future hostile visits from the ill disposed savages (horse stealing being generally a forerunner of other mischief) I will venture to direct the Col. of the 4th Battall'n—it being the most contiguous—to hold fifty men & their Officers ready to pursue any party of Indians that may do mischief within the bounds of this county, untill I have the honor to receive your Excellency's Instructions on the Subjects mentioned, which I flatter myself your Excellency will forward as early as possible for my Guidance.

I have the honor to be, with great respect,

Your Excellency's most Obed't, Hubl. S't,

RICHARD BUTLER,*

Lieut't Allegany County.

Directed,

Public Service.—His Excellency Thomas Mifflin, Esquire, President of the State of Pennsylvania.

Indorsed,

Read in Council, August 19th, 1790, see minutes.

GEN. ST. CLAIR TO GEN. BUTLER—INDIANS, 1790.

Circular.

Pittsburgh, August 16th, 1790.

Sir,

The Interests of the United States dictating a Peace with the Indians on the Ouabache, if it could be obtained upon reasonable terms I was directed by the President to inform them of the disposition of the general Government on that Subject, and to try to Effect it. At the same time, I was instructed by him to take measures for the security of the frontier Country, in the case of their continuing hostile. The following is extracted from his Instruction to me: — "You will, therefore, inform the said Indians of the disposition of the general Government on this Subject, and of their reasonable desire that there should be a Cessation of hostilities as a prelude to the Treaty. If, however, notwithstanding your intimations to them, they should continue their hostilities or meditate any incursions against the frontiers of Virginia and Pennsylvania, or against any of the Troops & posts of the United States and it should appear to you that the time of Execution would be so near as to forbid your transmitting Information to me and receiving my further orders thereon, then you are hereby Authorized and

* See Col. Rec., Vol. XVI., pp. 423, 424, 437, 440.

Empowered, in my name to call on the Lieutenants of the nearest counties of Virginia and Pennsylvania for such detachments of Militia as you may judge proper, not Exceeding one Thousand from Virginia and five hundred from Pennsylvania. I have directed letters to be written to the Executives of Virginia and Pennsylvania, informing them of the before recited Act of Congress, and that I have given you these conditional directions, so that there may not be any obstructions to such measures as shall be necessary to be taken by you for calling forth the said Militia, agreeably to the Instructions herein Contained. The said Militia to act in conjunction with the Federal Troops in such operations, offensive or defensive, as you and the Commanding officer of the troops conjointly shall judge necessary for the public Service, and the protection of the Inhabitants and the Posts. The said Militia, while in actual Service, to be on the Continental Establishment of pay and Rations. To arm and equip themselves, but to be furnished with public Ammunition, if necessary. And no charge for the pay of the said Militia will be valid unless supported by regular musters made by a Field or other officer of the Federal Troops, to be appointed by the Commanding officer of the Troops."* I have now to inform you, Sir, that there is no prospect of Peace with the said Indians at present; on the contrary, they continue to be very ill disposed towards the United States in general, and to Virginia in particular, and many parties, from the information I have received, are now actually gone to War. The commanding Officer of the Troops, General Harmar, and myself, have therefore concerted a plan of offensive Opperations against them, and in conforming with the above recited Instructions, I now call upon you, in the name of the President of the United States, for sixty men, rank & file, properly officered, agreeably to the legal Establishment of the Militia of your State, to act in Conjunction with the Federal Troops against the said Indians; and that they be at the mouth of McMahen's Creek, about four miles below Wheeling, on the third day of September next, arm'd and Equipped for a Service of Sixty days, at least, after their junction with the Troops, unless the Object in View should be sooner accomplished. The laudable Spirit the Militia have always shown to repress the Incursions of the Savages, leaves not room for a doubt but the oppertunity to punish them for their many Injuries & cruelties, will be Embraced with Avidity, but allow me, Sir, to observe that it is of the utmost importance that they be punctually at the place of Rendevous. A failure there might defeat the whole opperations. I have the honor to be, Sir, your very Hble. Serv't,

Signed,

AR. ST. CLAIR,

Governor of the Territory of the United States, North-West of the Ohio.

* See page 686.

Provisions will be laid in at the place of Rendevous by the Contractors and the means of transportation from thence provided; but it will be necessary that the detachment march by land to the point on this side of the Ohio, opposite to M'Machen's Creek, as the state of the river will not admit loaded boats to pass from Pittsburgh, you will therefore please to give the necessary orders on that head to the officers who will command it, and inform Mr. Williams, the Contractor of Pittsburgh, of the day the march will be taken up.

I certify the within copy to be just the original remaining in my hands.

RICH'D BUTLER,
Lieut., County of Allegany.

Directed,
Gen'l Rich'd Butler, Lieutenant of the county of Allegany, in Pennsylvania.

PRES. MIFFLIN TO THOMAS JEFFERSON, SEC'Y OF STATE—NATURALIZATION, 1790.

In Council,
Philad'a, August 10th, 1790.

Sir,

I have the honor to acknowledge the receipt of your Letter of the 31st March, 1790,* with two copies of the acts, &c., for the enumeration of the inhabitants of the United States; for the establishing an uniform rule of naturalization, & for the support of Government for the year 1790.

With Sentiments of perfect respect,
I have the honor to be your obd't
and most humble Servant,
THOMAS MIFFLIN.

Indorsed,—April 10.
Directed,
To Tho. Jefferson, &c.

JOHN CHURCHMAN TO SEC'Y TRIMBLE—VARIATION CHARTS, 1790.

John Churchman's best respects are to his Friend James Trimble, Esq., with information that he has herewith sent nine Variation Charts & Books for the President and members of the Supreme Executive Council. Be so good, therefore, as to receive the several

* See page 679.

balances, if they should be pleased to make payment on their receiving the work. The full price being three dollars each, those names in the following list, who have paid one-third on subscribing, only stand charged with two dollars each.

The President paid,	£0	15	0
Honble Amos Gregg,	0	15	0
Abraham Smith, Esq., paid to J. T.,	1	2	6
William Finley, Esq., do.	1	2	6
James Martin, Esq, do.	1	2	6
Christopher Kucher, Esq.,	1	2	6
Zebulon Potts, Esq.,	1	2	6
†Lord Butler, Esq.,	1	2	6
Charles Biddle, Esq.,	0	15	0
	£9	0	0

The name of the member marked thus,† did not determine possitively to take a copy.

8 mo., (August) 14th, 1790.

Directed,

James Trimble, Esq.

JOHN ROBINSON TO COL. PROCTOR—MURDER OF INDIANS, 1790.

Pine Creek, August 17th, 1790.

Sir,

I Desire to Inform you that Messrs. Benjamin Walker, Henry Walker, Jos. Walker & Sam'l Doyle,* have upon mature Deliberation been convinced of their Error, and given themselves up to stand their Tryal according to Law.

They do most Earnestly Solicit your friendship, and pray you would use your Interest & Endeavours in their behalf with Council in order to medigate their fault, which they are from all appearance very sorry for, and has petitioned Council for pardon, they therefore pray that you would hand the petition in Council, using your influence with the President and Council, (which they know to be great) for their pardon; their Desire of informing you of their present situation is very earnest, hoping that if you were informed the true state of the matter you would be their friend, and knowing there has been a correspondence between you and my father, have desired me to write to you and state their inducement for killing the Indians, and my desire being great for the preservation of their lives, join them in their wish for your Interest, *which I now earnestly*

* See Col. Rec., Vol. XVI., p. 423.

Crave, I will give you their Reasons for killing the two Indians, which is as follows: one of the two Indians they kill'd, Vanted of his taking twenty-three scalps, one of the scalp'd persons yet alive, is willing to give in on oath that he scalp'd her at the same time their father, John Walker was killed & scalp'd, which was their inducement for killing them.

I have nothing worth writing to you from here, but pray once more for your Interest in behalf of the aforementioned men, which will be ever Greatefully acknowledged by your most obedient Humble Servant,

JOHN ROBINSON.

Directed,

Col'n Thomas Proctor, Esq., Philad'a.

SEC'Y JEFFERSON TO PRES. MIFFLIN, 1790.

New York, Aug. 18th, 1790.

Sir,

I have the honor to send you herein enclosed, two copies, duly authenticated, of a Resolution making allowance for the service of the Clerks employed in the office of the Commissioner of Army accounts; also of a Resolution to defray the expence of procuring Seals for the Supreme, Circuit and District Courts of the United States; also of an act making Provision for the Debt of the United States; also of an act to provide more effectually for the collection of the duties imposed by Law on Goods, Wares and merchandize imported into the United States, and on the Tonnage of Ships or Vessels; also of an act to continue in force for a limited time an act entitled "an act for temporary Establishment of the Post Office;" also of an act for the Relief of John Stewart and John Davidson; also of an act to provide more effectually for the settlement of the accounts between the United States and the individual States; and of being with Sentiments of the most perfect Respect,

Your Excellency's most obedient,
and most humble Servant,

TH. JEFFERSON.*

Directed,

His Excellency, The President of Pennsylvania.

* See Col. Rec., Vol. XVI., p. 428.

Pres. Mifflin to Samuel Freeman, 1790.

In Council,
Philladelphia, August 19th, 1790.

Sir,

I have the honor to acknowledge the Receipt of your Letter, dated Portland, Massachusetts, August 5th, 1790,* and agreeably to your Request herewith send to you four printed Proclamations, offering rewards for the securing and bringing to Justice, Benjamin Walker, Henry Walker, Joseph Walker and Samuel Doyle, who are charged on Oath with having murdered two friendly Indians on Pine Creek, in this State. I also transmit a description of the three Walkers and of Doyle, and sincerely hope they may be apprehended and brought to Justice.

I have the honor to be, with great respect.

Directed,

Samuel Freeman, Esquire.

Description of the Indian Murderers, 1790.

Benjamin Walker, about 28 years of age, about five feet nine Inches high, straight and well made, full faced, a little freckled, large Eyes, dark sandy hair, wears it tied, fond of Company and Strong liquor, very talkative, and very apt to mock the Germans speaking broken English, is left handed, deals in Lands and brags much of his property, followed farming and Boating.

Henry Walker, about 25 years of age, five feet six Inches high, straight made, thin visaged, pockmarked and freckled, squints a little with both Eyes, long, dark, sandy hair, brought up to boating and Farming.

Joseph Walker about 23 years of age, five feet ten inches high, slim made and very straight, full faced and much freckled, long dark sandy hair, very proud, a blacksmith by Trade but don't follow it, fond of his gun, Civil in Company, was out with the Commissioners as a hunter and Chain bearer when running the New York line.

Samuel Doyle, about 27 years of age, five feet seven Inches high, smooth, full faced, short, fair hair, fond of Company and strong Liquor, was a soldier in Captain Robinson's Company of Pennsylvania Rangers, stout and well built, brought up to farming, apt to brag of his abilities in Chopping or mauling rails, very peaceable when sober.

* See page 714; also Col. Rec., Vol. XVI., p. 422.

Register General to Pres. Mifflin, 1790.

His Excellency, Thomas Mifflin, Esq'r, & The Hon'ble Supreme Executive Councill.

As I am preparing an Estimate of Expenses & Revenues to lay before the Hon'ble Legislature, at their next session, I request your Hon. Board will be pleased to inform me the amount of Depreciation Certificates that were considered as escheats to this Commonwealth, agreeably to the act of 25 March, 1786, also, to direct the Comptroller General to furnish this office with the amount of Certificates issued for the Depreciation of pay due the Late army to the 28 Septem., 1789. Funded,

do. do. Unfunded,

The amount of principal said Certificates received by him for account of this State, except those received from Francis Johnston, Esq'r, Receiver Gen. of Land Office.

The amount of Funded Debt, or Militia Certificates, issued by him to the 28 March, 1789.

The amount principal of said Certificates received by him for account this State, except those he received from Francis Johnston, Esq'r.

The amount of principal of New Loan & Continental Certificates he may have received for the use of this State, except those paid him by the Receiver General, & the Continentals received on Loan, with the dates of Interest.

All of which are material to the arrangements making in this office.

I have the honor to be,
with greatest respect,
your most obedient h'ble serv.,
JOHN DONNALDSON,
Reg. Gen. Office.

Aug. 21, 1790.

Directed,
His Excellency, Thomas Mifflin, Esq., in Council.

Secretary Jefferson to Pres. Mifflin, 1790.

New York, August 23d, 1790.

Sir,

I have the honor to send you herein enclosed two copies, duly authenticated, of an act making further provision for the payment of the debts of the United States; also of an act to enable the officers and Soldiers of the Virginia Line on continental establishment, to

obtain Titles to certain Lands lying north west of the river Ohio, between the little Miami and Sciota; also of an act authorising the Secretary of the Treasury to finish the Light House on Portland Head in the District of Maine; also of an act declaring the assent of Congress to certain acts of the States of Maryland, Georgia and Rhode Island and Providence Plantations; also of an act for the relief of the persons therein mentioned or described; also of an act for the relief of disabled Soldiers and Seamen lately in the service of the United States, and of certain other persons; also of an act to alter the times for holding the Circuit Courts of the United States in the Districts of South Carolina and Georgia, and providing that the District Court of Pennsylvania shall in future be held at the City of Philadelphia only; also, of a Resolution directing that a return of certain Surveys of Lands in the western Territory be made to and perfected by the Secretary of the Treasury; also of an act making certain appropriations therein mentioned; also of an act making provision for the reduction of the public debt; and of being with sentiments of the most perfect respect

your Excellency's
most obedient &
most humble Serv't,
TH. JEFFERSON.*

Directed,
His Excellency, The President of the State of Pennsylvania.

RICHARD BUTLER, LT., &C., TO PRES. MIFFLIN—INDIANS, 1790.

Pittsburgh, 26th August, 1790.

Sir,

Since my letter of the 8th by his Excelle'y the Governor of the Western Territory, the Indians have taken horses from plumb-creek; & I have been inform'd by some friendly Indians of two small parties being seen lurking about, in consequence of which I advised the appearance of some Volunteers on the frontier which I flatter myself has had, & will have, a good Effect if continued, but as this measure is only a matter of courtesy of the people, of which they will soon tire unless legally authorised or called on, and may be productive of Serious consequences should they fall in with any of these depredating savage parties. It may be thought irregular (however necessary,) in me to take these steps without the sanction of government, yet it appears hard that our poor frontier people should suffer these robberies without a prospect of recovering their property, or any protection, Retribution or Satisfaction from govern-

* See Col. Rec., Vol. XVI., p. 433.

ment. In truth Sir, it is my real Opinion their poverty added to their Expos'd situation merits the notice of your Excellency & Council, I beg leave further to assure your Excellency that I am authorised by the Representation of the commanding officers of the respective Battalions to assert that there is not arms in the hands of half the Militia, or are they able to purchase were they to be had. Ammunition is also scarce and dear; under these circumstances should the savages take advantage of this quarter the consequences would be severely felt by many, and many who have been already injured must be totally ruined.

In making this representation I flatter myself your Excellency will consider it in the most favourable point of view as the motive is the Security of the people & peace of this quarter of the State, and I further hope that your Excellency & Council will be pleased to take measures for procuring & forwarding for the use of the militia of this County, a supply of arms & ammunition. I think from the information I have about eight or nine hundred stand of good arms, two tons of Powder, four tons of lead & four Thousand flints would place us in a good Situation for defence. Should they not be wanted for immediate use the whole, or part, can be carefully stored & held ready in case of necessity; your Excellency will be pleased to Excuse me for again requesting your instructions on the subject of marching the militia demanded by the Governor of the Western Territory as soon as possible if not already sent forward, as they are warned & Ready to march. It is far from my wish to give trouble, or allarm, or do I suspect any danger from the six nations people, or is it very probable the westerly Indians will Ever approach us in a formidable manner, but a few small parties (which is in their power at all times) will have the unfortunate Effect of disturbing the peace of the Country & driving the people from their places.

I have the honor to be
with the greatest respect
your Excellency's
most obed. Hbl. St.,
RICH'D BUTLER,
Lieut. Allegany County.

Directed,

His Excellency The President of the State of Penn'a, in Council Philada.

JOS. THOMAS TO PRES. MIFFLIN—DOAN'S ESTATE, 1790.

Philad'a, Aug 26, 1790.

Sir,

I beg leave to inform your Excellency, that being the purchaser of an estate, supposed to be forfeited to the Commonwealth, by the attainder of Joseph Doan, and having been sued in an action of Trespass and ejectment, your honorable board a considerable time ago, resolved to undertake the defence of the said action and appointed Messieurs Sergeant & Bradford as Counsel for that purpose. As I am informed that no compensation hath yet been made to those Gentlemen, and as the cause is marked for trial in October next, I beg your Excellency's attention to this business.

With all due respect,

I have the honor to be your

Excellency's most obedient Servant,

JOS. THOMAS.

Directed,

To His Excellency the President in Council.

ROBERT GALBRAITH TO PRES. MIFFLIN—ROAD, 1790.

Sir,

Having performed my part of the Contract entered into with your Honorable Board for Opening the Road from Frankstown to Conemagh, take the liberty of requesting an Order on the Treasury for the residue of my pay; Suggesting at the Same time, as the Contract was for Specie & the Monies Already Received was paper, which I was Obliged to pass at a Considerable discount, and the Money yet to be Received is not much better. I hope Your Excellency & Council will cause Inquiry to be made into the depreciation at the several times of payment, & make Such allowance as appear Just & Reasonable. You will please also to recollect that the work was finished in Sept. last, But Owing to the Ill-founded Objections then made to it, I was debarred from a Settlement at that time. I acknowledge there now Appears Upon a review of the Road Some small defects which I am willing to amend, But at the Same time Beg leave to Observe that very few of these would appeared had the work been reviewed at the time it was newly Compleated. I hope Your Excellency & Council will be convinced from the Report of the Honorable William Finly, Esq., that I have done my duty in

* See Col. Rec., Vol. XVI., p. 450.

the Business, & Grant me Such a Sum as will Compensate for the loss I Sustained by the delay of payment as well as the depreciation of the Money.*

August 30th, 1790.

I have the Honor to be,

Your Excellency & Council's,

Most Obedient, Humble Servant,

ROBERT GALBRAITH.

Indorsed,

Read August 30th, 1790. Referred to Messrs. Gregg, Kucher, Taylor, Wilson, and Gen. Watt.

Directed,

His Excellency, the President in Council.

SEC'Y OF CINCINNATI TO GEN. MIFFLIN—VISIT TO PRES. U. S., 1790.

Sept. 3d, 1790.

Sir,

The Quarterly Meeting of the Committee of the Cincinnati Society is to be held on Monday next. I beg leave to suggest the propriety of the Committee, together with such members of the Society who are in town, do meet on to-morrow, Saturday, at 12 o'clock, at the State House, to transact such business as may come before them, & then march in procession to pay their respects to the President of the United States on his arrival in the City. As the hint was given to me by a few old officers, I thought it necessary to inform you thereof, that you might take such measures on the subject as was most agreeable to your wishes.

I have the honor to be,

Your Excellency's most ob't Ser't,

RICH'D FULLERTON, Sec'y.

To his Excellency, Thomas Mifflin, President of the Pennsylvania Society of her Cincinnatti.

N. B. If you approve of the within I will order a meeting for the purpose.

* See Col. Rec., Vol. XVI., p. 437, 442.

WM. LEWIS TO PRES. MIFFLIN—INFRACTIONS OF TREATY, 1790.

Philada. 14th Septr., 1790.

Sir,

The following is an extract of so much of a Letter which I have received from the honorable Mr. Jefferson Secretary of State, as concerns the Business to which I am about to beg your attention.

New York, August 12th, 1790.

Sir,

"It is desirable that Government should be informed what "proceedings have taken place in the several States since the treaty "with Great Britain, which may be considered by that nation as "infractions of the Treaty, and consequently that we should be "furnished with copies of all Acts, orders, proclamations, and "decisions, legislative executive or judiciary, which may have affec- "ted the debts or other property, or the persons of British subjects "or American refugees. The proceedings subsequent to the Treaty "will sometimes call for those also which took place during the War. "No person is more able than yourself, Sir, to furnish us with a "List of the proceedings of this kind, which have taken place within "your State, nor is there any on whom we may with more propriety "rely for it, as well as to take the trouble of furnishing us with "exact copies of them; Should you be so kind as to state any facts "or circumstances which may enter into the justification or explan- "ation of any of these proceedings, they will be thankfully received; "and it is wished the whole may come to hand between this and "the last of October.

"Your Zeal for the general service needs not to be excited, by "information, that it is with the special approbation of the President "of the United States that I address you on this occasion."

Your Excellency and the honorable Board at which you preside, will readily perceive it to be essential to the vindicating of the honor and the Interest of the United States, that complete information should be obtained on the subject mentioned in the foregoing Letter, and as I cannot have access to your minutes, I must take the liberty of requesting to be furnished with copies of all Proclamations, orders, minutes, and proceedings of Council, if any such there are which may be supposed by the people of Great Britain to have been in violation of the Treaty between that nation and the United States. The expence attending this Business shall be paid the moment it is compleated.

I have the honor to be, Your Excellencys
Mo. Obt. & Mo. hble. Servt.

Directed, WM. LEWIS.*

His Excellency, Thomas Mifflin Esqre. President of the Supreme Executive Council of Pennsyla.

* See Col. Rec., Vol. XVI., p. 456; also 459 for Resolutions passed Sept. 21st, on the foregoing.

SEC'Y OF WAR TO PRES. MIFFLIN—PENSIONS, 1790.

War Department, 15th Septemr., 1790.

Sir,

The Congress of the United States have directed the register of the Treasury to issue certificates to the military invalids, and to the Widows and Orphans of such Officers, non-commissioned Officers and Privates who were killed or died while in service of the United States, and who are entitled to Pensions by the Acts of Congress, for the arrears of their pensions due, prior to the fourth day of March 1789. It has therefore become necessary to ascertain with precision the sum due to each individual of the above description.

As several of the States may have paid a part or the whole, of the said arrears since the return received at this Office; I have the honor respectfully to request that you would be pleased to cause me to be informed whether any such payment of arrears has been made by the State of Pennsylvania since the seventh of December 1789, the date of the list transmitted to this Office by your direction.

If any partial payments have been made by the State of Pennsylvania, I take the liberty to request the information, whether any arrears prior to the said fourth of March 1789 remain due, and if so, the amount to each individual.

If no payments have been made since the date of the said list, the arrearages may be made out at this Office, presuming on the accuracy of the list received.

I have the honor to be,

Your Excellency's Most

Obed. & hum. Servt.

H. KNOX,

Sec'y of War.

Directed,

His Excellency The President of Pennsylvania.

PETER Z. LLOYD TO PRES. MIFFLIN—ASSEMBLY, 1790.

Sept. 20th, 1790.

Sir,

The unexpected dissolution of the late General Assembly having occasioned a seeming abruptness in the closing their journals, I have to request that your Excellency will be pleased to submit to the consideration of the Supreme Executive Council the propriety of subjoining to the minutes of the house, a publication addressed "To the

citizens of Pennsylvania," and signed by fifty six members, which was printed in the Pennsylvania Gazette the 8th instant.

I have the honor to be

Sir, your very obed't serv't,

PETER Z. LLOYD.*

Directed,

His Excellency Thomas Mifflin, Esq.

Indorsed,

Read in Council Sept 21st, 1790 for their determination see the minutes.

J. T. for C. B. Secy.

REPORT OF JOHN NICHOLSON, ESQ., ON LETTER FROM SECY. OF WAR—PENSIONERS, 1790.

In Pursuance of The Reference of The Hon'ble The Council with the letter from the secretary at war herewith, I beg leave to report.

That since the return which I made of The Invalid pensioners in December 1789† sundry payments have been made of arrears of Pensions due before the first of May preceding, and which were not then paid up, and that the state of Penna. hath made provision for the payment of the Pensions of the invalids aforesaid until the first of May aforesaid, so that the few who yet remain unpaid if they are alive and apply will be intitled thereto from the state of Penna. Therefore there will be no arrears to be settled by the United States with Invalid pensioners of this state, on the contrary, this state hath paid them as hath been heretofore represented to the United States for one month and twenty seven days of the time for which payment was ordered also by the United States, that is from the 4th, of March till 1st May 1789.

The widows and Children of Commissioned officers acknowledged to be of the line of this state and who died in *actual service* or *in captivity* are also provided for by this state and there will be no arrears to be made up to them by the United States; But there hath been no provision made by this state for the widows and orphans of *Commissioned officers* who died and were not in *actual service* or *in captivity* at the time, for the widows and orphans of such officers in Corps not attached to the line of any state who were citizens of this state and died in the service, nor for the widows and orphans of *non Commissioned officers* and *privates* of the Continental troops who died in service; wherefore such of these descriptions as are provided for by Acts of Congress will not be chargeable at settlement with them for any

* See Col. Rec., Vol. XVI., p. 458.

† See Col. Rec., Vol. XVI., p. 224.

money rec'd of this state, unless the case of Mrs. Catherine Thompson which hath been laid before Council (and who is within the provision made by Congress) should be finally adjudged and Determined not to be provided for by the laws of this state, then the payments which she hath received will be chargeable to her at her settlement with the United States.

All which is respectfully submitted,

JNO. NICHOLSON.

Compt. Genl's office, Sept 22d, 1790.

SECY. OF WAR TO PRES. MIFFLIN—PENSIONS, 1790.

War Department, Sep'r 24th, 1790.

Sir,

In the absence of the Secretary of War, who is gone to the Eastward, I have the honor to transmit the inclosed copy of his letter to your Excellency of the 15th, instant*

I have the honor to be Sir, with
the highest respect, your Excellency's
most Obedient & very humble Servant,

JNO. STAGG, JUNR.
Chf. Clk.

Directed,

His Excellency The President of Pennsylvania.

ARREST OF SAMUEL DOYLE—INDIAN MURDER, 1790.

Lancaster, September 25th, 1790.

Sir,

This day I received a letter from William Wilson one of the Members of Council, by Two persons of the Name of Thomas Reese and Jacob Mercley, by them he sends a Certain Samuel Doyle† to be left in the Goal of Lancaster County, for the Murder of two Indians on pine Creek, and Requested me to Give the Earliest information to Council,

& Remain your Excellency's
most obt. Hum'ble Ser't,

JAMES ROSS,
Sheriff of Lancaster County.

Directed,

On public Service.

To His Excellency Thomas Mifflin, President of the Supreme Executive Council of the State of Pennsylvania.

℔ favour of Mr. Kirkpatrick.

* See page 728, also Col. Rec., Vol XVI., p. 457.

† See Col. Rec., Vol. XVI., p. 397, 483, 484.

Copy of Comptroller General's Letter—Pensions, 1790.

The Comptroller General to whom was referred the letter from The Secretary at War of the 15th Instant, Begs leave to Report,

That the disabled or invalid pensioners from this State have nearly all been paid up till the first of May, 1789. That as the provision of the Legislature thereof extends to that period the few who remain unpaid are entitled to, and if alive and application be made will receive it, so that there will be no arrears of pension to be settled by the United States with them. On the contrary they have been paid for one Month and twenty seven days of the time for which payment hath also been been Ordered by the Congress as hath already been notified to the United States.

The widows and Children of *Commissioned* Officers acknowledged to be of the Line of this State *and* who died in *actual* service or in *captivity* are also provided for by this state, and there will be no arrears to be settled with any of them by the United States.

But there hath been no provision made by the State for the Widows and Orphans of Commissioned officers who died not being in *actual* service or in *captivity* at the time, for the Widows and Orphans of Officers who were of this State and died being officers not attached to the line of any State, nor acknowledged to belong to Pennsylvania, nor for the Widows and Orphans of non-commissioned Officers and Privates of the Pennsylvania Line who were slain in battle or died in service. All of which is respectfully submitted.

JOHN NICHOLSON,
Comp'r General's Office.*

Sept'r 30th, 1790.

Directed,
His Excellency the President in Council.

Wm. Lyon to Secretary Biddle, 1790.

Carlisle, Sept'r 30th, 1790.

Sir,

This Day came to hand a Letter from your office, Dated the 7th Instant, shewing that at a Conference† of Members of the General Assembly, the Members of the Supreme Executive Council, Judges of the Supreme Court, &c[a]., it was determined that the Offices for the Probate of Wills, &c[a]., and Recorder of Deeds in the Several Counties of this state had expired with the Powers of the Legislature of the Present year on the second Instant, that Council have in pursuance of the Powers vested in them by the Constitution, reap-

* See page 728.

† See Col. Rec., Vol. XVI., p. 443, a list of re-appointments and reasons for them.

pointed me to these offices in this County, and that I am required to Transmit to Council the names of those who are to be my Sureties, that the approbation of Council may be given of them.

Seeing such proceedings is found necessary, I acknowledge the favour done me by his Excellency the President and the Honourable Council in re-appointing me to these offices.

The Sureties I propose to give are Stephen Duncan, Merch't & Doctr. Samuel A. McCoskry both Gent'n of Good Estate, living in the Borough of Carlisle, Cumberland County, who, I make no Doubt his Excellency the President & Hon'ble Council will accept & approve of.

The Bearer, Mr. Nathaniel Snowden, A. M., will pay you for me the thirty three Shills. you require for the Bond & Commiss.

I am, with much esteem, Sir,

Your Most Obedient

Most Humble Servant,

WILLM. LYON.

P. S.—I would just mention to you, Sir, that there is not any Doubt with me but a great Majority of the Votes for Governor will be in favour of President Mifflin in this and the adjoining Counties, which I expect will not be disagreeable to you.

W. L.

Directed,

Hon'ble Charles Biddle, Esq'r, Secretary of the Sup'me Executive Council, Philadelphia.

H. Brackenridge to Pres. Mifflin—Cornplanter, 1790.

His Excellency the President of the Supreme Executive Council of the State of Pennsylvania.

Sir,

Two Indian Chiefs, of the name of Cornplanter and Half Town, Conceiving themselves injured by Colonel John Gibson, have been directed to apply to me, to obtain for them redress by law. I have recommended to them, now that they are going down* to present themselves before your Excellency, to make complaint to the Council, who will enquire into this affair, and call Mr. Gibson to an account, if he shall seem to have defrauded them It is so customary with Traders to Cheat Indians, that I think it not improbable that their Complaints are well founded. General Gibson acting as a Commissioner under your authority, will be properly amenable before you. It is a misdemeanour, which I conceive will

* See Col. Rec., Vol. XVI., pp. 497, 498, 499, 501–508, 510, 511—513.

support an indictment, if the fact is established. If so, the Councils can direct an enquiry at this place. For the course of six months I have been importuned by those Chiefs to give them advice in this matter, and the Common Opinion here is strong in their favour with regard to the injustice done them. I know well that such ground of dissatisfaction on the part of the savages is often the occasion of war, and certainly it behooves the government to take care of their officers, and oblige them to act honestly with them.

With great personal respect,

Your Excellency's most

Obedient Hble. Servt.,

HU. BRACKENRIDGE.

October 4th, 1790, Pittsburg.

Directed,

His Excellency, Gen'l Thomas Mifflin, President of Pennsylvania.

ROBERT GALBRAITH TO PRES. MIFFLIN—INDIANS, 1790.

His Excellency, Thomas Mifflin, Esquire.

Having met with the Cornplanter and his company on their way to Philad'a, I would take the liberty to inform your Excellency that I have been acquainted with Stif-knee, one of his company, the greatest part of this summer, as he has resided about twelve Miles from Pittsburgh on the Alleghany River, near to where I now reside; and have known the said Stif-knee to watch the frontier on that quarter, and use every exertion in his power to prevent Horses being stolen or any injury done to the good people at that place, that he has been friendly and useful to the Americans in general, and is a man of a general good character.

The Cornplanter's Zeal and Attachment to the American cause is so well known, that it would be unnecessary for me to say any thing on that subject.

I have the honor to be,

Your Excellency's assured

friend and humble servant,

ROBERT GALBRAITH.

Greensburgh, October 7th, 1790.

Directed,

His Excellency, Thomas Mifflin, Esq., Philadelphia.

Opinion of Wm. Bradford, Attorney General, on Weights and Measures, 1790.

I have attentively considered the Act of Assembly "for regulating weights and measures," and the questions arising thereon, to wit: 1. In whom the appointment of the officer therein mentioned is now vested? and 2d. Whether the Mayor or Corporation of the City of Philadelphia have a right to appoint such an officer for the City in exclusion of that appointed by the County.

By the Act aforesaid, passed 12 Will III., it is directed that the keeper of the standard weights and measures in each county, should be appointed "*by the Governor with the advice of Council.*" It is true that the Council here spoken of, was a *Legislative* Council. Yet after the alteration of the Government in 1701, and when no such Council existed we find the act expressly confirmed by the General Assembly. Thus in 1705, ch. 24, §2. It is declared that (excepting one clause) "the act for regulating weights and measures shall be, and remain in full force;" and by the Act passed 19 Jan., 1733–4, "millers, bolters and bakers are required to bring their "weights and measures once in three years to the standard kept in "each county according to the direction of the act of 12 Will., III." It also appears that this power was exercised accordingly by the Governor; and in the minutes of Council I find that John Carter was appointed agreeably to the directions of this Act on the —— Jan., 1729–30; and I am informed similar appointments have been made in later periods.

The power in question therefore previous to the resolution was clearly vested in the Governor, and I am of opinion that by the Laws and Constitution of the State, the appointment may now be made by the *President in Council.*

As to the second question, I am of opinion that the Mayor and Corporation have not any such power of appointment. It does, indeed, appear that soon after their incorporation in 1701, they purchased weights, &c., and the clerk of the market had for some time the keeping of these as part of his duty. Afterwards a distinct officer was appointed for keeping the dry measures; and the copper standard measure mentioned in the Act came into his possession. It is probable he had at the same time an appointment under the 12 Will., III. from the Governor. This standard measure being injured a new one was procured at the expence of the City.

This power, exercised by the former Corporation was not derived from any act of Assembly; nor could they derive any such from their charter in derogation of an express and possitive act of Assembly. But it probably took its rise from the practice in England, and was submitted to from convenience or necessity, or perhaps authorised by the *concurrent* appointment of the Governor.

By a variety of statutes in England every City and Market Town

is to have a common balance weights and measures; and the clerk of the market is to have such weights and measures marked according to the standard kept in the Exchequer. The Mayor, &c., is also directed to see that the weights, &c., are agreeably to it, to destroy those that are not and to fine delinquents. "These statutes are in their nature *local;* yet are probably the foundation of the practice of the late Corporation. It is, indeed, part of the duty of the Clerk of the market to have weights and measures that are regulated according to the standard, to enable him to take the assize of bread, beer, &c.; a power which was, and is still vested in him: but the weights and measures in his possession are not to be considered *as the standards* referred to in the act.

However, as it seems doubtful, whether there are now in existence any such standards as are directed by the said act to be procured, and as the original standard is now kept in a foreign kingdom, I beg leave to suggest that the act demands a revision unless there should speedily be some general and permanent provision made by the United States that may supercede the necessity of any State regulations on this subject.

WM. BRADFORD, Jr.
Att'y Gen'l.

Philad'a, October 14, 1790.

President of Council to Governor of Connecticut, 1790.

In Council,
Philadelphia, October 18th, 1790.

Sir,

The confidence which I repose in your ready disposition to aid the execution of the Laws of a Sister State, so far as right and Justice may require, leads me, by and with the advice of the Supreme executive Council of this Commonwealth, to make the following representation to you, and to crave your interposition therein. It has been made to appear to us, that a writ of foreign attachment issued out of the Court of Common Pleas for the County of Philadelphia at the suit of Robert Milnor and George Haynes against Thomas Mumford, then of the State of Connecticut returnable to the Term of December in the year of our Lord one thousand seven hundred and eighty three. That before the return day thereof it was delivered to Thomas Proctor, Esquire, then High Sheriff of the City and County of Philadelphia, who executed the same by attaching the Brig Bird and Cargo [supposed to be] the property of the Defendant, and by summoning William Wattles the Commander thereof to appear and answer as Garnishee:—That Captain Wattles afterwards availed himself of an opportunity of escaping under cover of night from the Port of Philadelphia with the said Brig and Cargo, and

left the said Thomas Proctor, Esquire, accountable to the Plaintiff for the value thereof. That it was so proceeded in the said writ of attachment, that the Plaintiffs by due course of Law obtained a Verdict and Judgment against the said Thomas Mumford for nine hundred and five pounds fifteen shillings lawful money of Pennsylvania. That Milnor and Haynes thereupon commenced an action against the said Thomas Proctor, Esquire, for the Recovery of the Value of the Brig and Cargo; by reason of the same having been wrongfully carried away after having been attached as aforesaid, and having obtained Judgment against him for six hundred and three pounds one shilling and three pence lawful money of Pennsylvania with Costs of Suit, have issued an Execution thereon; in virtue whereof, his Estate hath been levied on and become liable to be sold for the satisfaction of the said Judgment. That the said Thomas Proctor, Esquire, hath by the advice of his Council caused special Bail to be entered to the said Writ of attachment, whereby it is conceived the same is dissolved and turned into a common action upon the Case, and that Mr. Proctor will, on the surrendering the Body of Mr. Mumford to the present Sheriff of Philadelphia County be discharged from all responsibility to Messrs. Milnor and Haynes. It is too likely however, that Mr. Proctor will meet with difficulties in his Endeavours to accomplish this reasonable, and as it is conceived lawful purpose, unless he can be aided with the executive authority of your State; as it is alleged that Mr. Mumford, having fled or removed to your State, has taken pains to secure his House in such a manner as to bid defiance to all attempts of his Bail to arrest him, in order to a surrender in a discharge of his recognizance. As the Bail is the keeper of his principal, it is conceived, that he has at all times and at all places a right to arrest him in order to his surrender, and to break open Houses for that purpose if the same shall be found necessary, but as this might lead to disagreeable altercation and perhaps to bloodshed, which the friendly interposition of Government may prevent. I have taken the liberty by and with the advice of Council to address your Excellency on this occasion, in behalf of an aggrieved and meritorious Citizen of this Commonwealth. You will readily perceive Sir, that this application is not founded on any article contained in the Constitution of the United States, but that it originates from a regard to Justice and a sense of that friendly intercourse between Sister States which the good of the whole requires to be kept upon occasions of this kind. This Letter will be delivered to you by the Gentleman who has entered special Bail for Mr. Mumford or by some person legally deputed by him, and as it will be accompanied by a Bail piece duly authenticated, I am induced to hope, that all friendly assistance of the executive authority of your State consistent with Law will be exerted, so as to prevent the measures to be taken for the surrender of Mr. Mumford proving ineffectual. [Should a similar application from your State at any time be made to the executive authority of this, I have no doubt

of its meeting with that attention which a regard to justice may require.]

Opinion of Attorney General on the Foregoing.

I have perused the above draught of a letter intended to be sent to the Governor of Connecticut. I conceive that the law is truly stated therein, and if the facts are accurately set forth, I apprehend that the request made is a proper one. Even between independent states, it is considered as part of the general law of Nations, that the Justice of one Country ought to aid the Justice of another: and the protection which every state owes to its own citizens renders an interposition of this kind neither unusual nor improper.

I have made a few alterations which are respectfully submitted & I apprehend that the last sentence should be wholly omitted.*

The above opinion however is given upon the presumption that the property attached was really the property of Mr. Mumford & the Capt. of the vessel, of course, employed by him. I therefore recommend the words "supposed to be" in the eleventh line should be struck out if the truth of the fact will admit it: but if there is no proof of this fact I cannot think that the Sheriff would be justifiable in entering bail for the defendant, when no property of his was attached, and of course subjecting him to a trial & perhaps imprisonment in a distant Country.

W. BRADFORD, Jun.

Indorsed,

To His Excellency, The Governor of the State of Connecticut. Copy of this Letter forwarded.

N. Falconer, Health Officer—Pest House, 1790.

To His Excellency the President and the Supreme Executive Council.

I shall be glad if Councel aprove of it to have an order for Twenty two pounds ten shillings which Lays in the hands of the Treashurer of the State belonging to the pest house to pay for filling up the holes in the wharf to save it from being Carried away by the Ice this winter.

I am with Great Respect
your Excellency's
most obedient Hble. Ser.,
NATH. FALCONER.†

Philadelphia, the 18th October, 1790.

Directed,

His Excellency Thomas Mifflin, President of the State of Pennsylvania.

* These are probably what is included in the brackets—the Governor's reply has not been found.

† Col. Rec., Vol. XVI., p. 493.

LT. BERNARD HUBLEY TO PRES. MIFFLIN—MILITIA, 1790.

Northumberland, Oct'r 25th, 1790.

Dr. Sir,

The Bearer, Colonel James Murrow will have the honor to hand this to y^r^ Excellency, & who can if requisite more particularly acquaint you of the Militia, & with the circumstances of those who have not regularly attended muster on the Genl. Field Days appointed; In the first Instance there are some of the People that do not attend who are really tired with the mode and are wishing for new Regulations to take place, others whose Circumstances does not permit & particularly at this time of year, Seeding not being over yet in this County, whereby it has also been owing that the muster days have been very small & it has happened that on some of the Field Days it Rained all day, that they could not attend at all; I would therefore recommend a General Exoneration of Fines to take place in this County, the former Lieutenants well knowing the situation & Circumstances of the People, & that numbers would have been much distress'd had they Impos'd the Fines regular; I am of opinion a Plan might be adopted that would be more satisfactory to the People in General, a well Regulated militia corresponding with the Constitution might answer a salutary end, and such a one might be formed without a grievance, the present mode does not seem to answer the best end, it appears to me the People are not able to perform any manœuvres equal to those they did before the last war, there is not that ambition, almost every person seems careless about it, there is not one among a Hundred now found that can any more go through the manual Exercise. The Inclosed is a Return of the officers of the 6th Batallion who have no Commissions, it is but lately I received the Return from the Command'g officer, every part of the Militia Laws appear backward, even the Returns of the absentees from last May are not all come to hands, I have done every thing that could be to get them but find it very difficult.

I have the Honor to subscribe myself

With every sentiment of esteem,

Your most obed't hum'l serv't,

BER. HUBLEY,
Lieu't North'd County.

Directed,

His Excellency Thomas Mifflin, Esqr., President, State of Pen'a.
Hon'd by Col. J. Murrow.

Cornplanter to Pres. Mifflin, 1790.

(Copy.)

Philada., Oct. 25th, 1790.

My Father of the Quaker State,

Having come to the City for the purpose of laying before You some Grievances which the Seneca Nation, over which I preside, have to complain of; and which I fully intended to have laid before You to-morrow; but having luckily met with a Mr. Phelps, between whom & my Nation, the difference in a great Measure subsists; and a long talk having taken place between him in me, in the presence of some of my Friends, which has delayed the time, & made it impossible for me to do as I wished; I take the liberty of requesting that you will pardon & forgive my not complying with my Engagements; And that you will give me another Opportunity of talking with you.

With great Respect & Esteem,

I am Your affectionate Son,

CORNPLANTER'S + Mark.*

Directed,

His Excellency, Thomas Mifflin, Esq.

Clerk of H. R.—Office in State House, 1790.

Philadelphia, 28th October, 1790.

I have seen the apartments which are designed for the use of the Clerk's Office, and as Committee rooms for the House of Representatives, and am of opinion that there will be no necessity to remove Mr. Joseph Fry from that wing of the State House, but that his removal into that part of it in which the Land Office was lately kept, will leave room sufficient for the purposes first mentioned.

JOHN BECKLEY,

Clerk to the House of Rep. of the U. States.

John Nicholson to Pres. Mifflin—Indians, 1790.

Sir,

Understanding that the indians now in town are enumerating their Grievances, and as the state as well as individuals have sustained a loss from a non-settlement of that part of Penn'a North West of The Ohio & Allegheney, I take the liberty of laying the inclosed

* See page 732, also Col. Rec., p. 497, &c.

deposition before you, shewing that four men who had been placed on land in the depreciation district, at a considerable expence and loss to my brother and myself, and were improving there, were menaced by the indians in such a manner as to Oblige them to abandon their improvements and habitations.

If any good to the state and security to future settlers there may be likely to be obtained therefrom, I wish this affair may be laid before them while in the city. Which is respectfully submitted by

Sir, your Most Obedient,

Very humble servant,

JNO. NICHOLSON.

Philada., Oct. 28th, 1790.

Directed,

His Excellency, Thomas Mifflin, Esq., Presid't Penn'a.

Personally came before Me, the Subscriber, one of the Justices of the peace for the County of Allegany, a Certain Henry Cable & Henry Thomas, and being Sworn as the Law directeth, Deponeth and Sayeth that they, the Said Henry Cable & Henry Thomas, with Nicolas Sirlett and peter Sirlett, were Peaceably Improving on a tract of Land on the road Leading from Pittsburgh to Kiskey old town, abt. the Distance of Eleven or twelve miles from said town of pittsburgh, & that on Sunday Evening Last past they, the sd. Henry Nicolas & peter, were in a threatning Manner Drove of the sd. Tract, by four Indians, of what Nation they know not, & further Sayeth not.

Sworn & Subscribed before me this 29th Day of April, 1790, GEO. WALLACE.

HENRICH GOELERT.
HENRY ⋈ THOMAS.

THOS. PROCTOR TO PRES. MIFFLIN—CORNPLANTER, 1790.

Philadelphia, Nov. 1st, 1790.

Sir,

I have been call'd upon this morning by Captain Obeal, to acquaint your Excellency, that his People are ready to return to Fort Pitt, as soon as your pleasure and that of the Executive Council are made known to us having only two days notice. He likewise requested me to name to you that they have not received the Coats as spoken of to them by the Council. This being the particulars they wished to have communicated to your Excellency; be pleased to give your instructions, as Secretary Biddle is gone to Reading, (as I am informed) and I will be careful to contract upon the lowest

principles, which the Taylor informed me would not exceed £31 0s. ℔ Coat.

I am, your obedient Servant,

THOMAS PROCTOR.*

Directed,

His Excellency, Thomas Mifflin.

THOS. PROCTOR TO PRES. MIFFLIN—CORNPLANTER, 1790.

Philadelphia, Nov'r 2d, 1790.

Sir,

I have communicated to the Indian Chiefs, the purport of your written Instructions to me of yesterday, with which they are well pleased, being very desirous of returning to their respective homes before the hard weather sets in. I am particularly Intreated by Capt. Obeal to Lay before your Excellency and the Executive Council, sundry requisitions in behalf of himself and People; which, he, by no means, desires as a Gift, but as a Loan to be repaid to the state, upon a settlement of their account current with it, and upon it being granted to them for the comfort of their distressed familys, will Immediately leave the City. The better to effect this desireable end, I have partly engaged a Conveyance for themselves and baggage, with Waggoners Immediately going for Fort Pitt, and perhaps it may be long before another may offer. Capt: Obeal for himself and People, makes request of One hundred and ninety dollars to lay out in necessarys for which he will give his obligation, viz:

To Capt. Obeal and his Interpreter,	$70
To Half Town and Great Tree,	50
To Senecca Williams and Jas. Hutchins,	40

To John Duker 20 dollars and to old Kuyasuta the very faithful friend of the State, upon every occasion, the sum of 10 dollars.

Whatever your Excellency's pleasure may be on this subject, I shall be happy to communicate to them as soon as rec'd by

Your Obedient Servant,

THOMAS PROCTOR.†

Directed,

His Excellency, Thomas Mifflin.

* See Col. Rec., Vol. XVI., p. 510.

† See reply—Col. Rec., Vol. XVI., p. 510.

JOHN NICHOLSON TO PRES. MIFFLIN—CITY LOTS, &C., 1790.

Sir,

I do myself the honor to inclose a plan of sundry lots in the city of Philadelphia, the property of this Commonwealth.

By an Act passed the 8th April, 1786, These are directed to be sold for the redemption of the certificates of debts of this State. The present market price of those securities, *low* when compared with the ample provision made for them, or when compared with the certificates of debts of the United States; as well as the present advance in the estimate of lots and the prospects held up of the buildings for the accomodation of the President of the United States being erected towards the centre of the City Ground plan of the City,* together with the consideration of the daily accumulating interest of the debt to be redeemed thereby, all conspire to mark the present as the most advantageous time for selling.

With great respect, I am, Sir,

your most obedient Servant,

JOHN NICHOLSON.

Nov'r 3d, 1790.

Directed,

His Excellency, Thomas Mifflin, Esq. Presd. in Council.

JOSEPH NICHOLASON, INDIAN INTERPRETER, TO PRES. MIFFLIN, 1790.

To His Excellency, the President and the Honorable the Supreme Executive Council.

Gentlemen,

Having been at some expence in conducting the Cornplanter and his Companions to this City, and the Little Cash I brought with me being expended, I am under the Necessity of requesting that your Excellency and the Honble Council would be pleased to grant me the sum of Fifteen pounds on account of the said expences, an

* This probably alludes to the building formerly on the site of the present University on 9th st. The corner stone of the *President's House*, was laid May 10, 1792; but was not finished 'till 1797; when it was tendered by Gov'r Mifflin to Pres. Adams, but declined by him. It was then purchased by the University, and taken down; and the corner stone of the University laid July 31st, 1829. The former building not having been used by the President of United States, was occupied for several years by the University before the erection of the present buildings in 1829. See Hazard's Register of Pennsylvania, Vol. IV., pp. 86, 175.

account of which I will render in a few days and in which I will endeavour to be as moderate as possible.

I am, with great Respect, Gentlemen,
Your most obedient and
very humble Servant,
JOSEPH NICHOLASON.*

Nov'r, 4th, 1790.

Indorsed,

Read in Council, November 4th, 1790, and agreed to an Order. James Trimble for Charles Biddle, Sec'y.

Directed,

His Excellency, Thomas Mifflin, Esq., President of Pennsylvania.

COL. CLEMENT BIDDLE TO PRES. MIFFLIN—TENTS, 1790.

Sir,

Colonel Franks applied to me for the loan of four Tents out of the public Stores for the use of the French Emigrants going to Scioto, who set off this morning as soon as they can Obtain them, & he promises to have the like number made & returned in a few Days. I request to know if your Excellency or the Supreme Executive Council approve of leting him have them, and I can direct them to be delivered from the Stores.

Your mo. Obed't & very H'ble Ser.,
CLEMENT BIDDLE,
Q. M. G. Militia.

Nov. 6, '90.

Please to let Mr. Shneider bring me the result.

Indorsed,

Read in Council, November 6th, 1790, and agreed to.

Directed,

His Excellency, President Mifflin.

DAVID RITTENHOUSE, TREAS., TO PRES. MIFFLIN, 1790.

Nov. 10th, 1790.

Sir,

In the year 1779, by the direction of Council, I gave my Bond, as Treasurer for the State, to George Ross, Esq., Judge of the Admiralty, to indemnify him for paying a Sum of prize money in

* See Col. Rec., Vol., XVI. p. 511.

his hands, adjudged to the State on account of the Sloop Active, in consequence of which Bond upwards of £11,000 was paid into the State Treasury. The distribution of said prize money has since been contested, as Council are no doubt well informed, and my Bond is now in Suit. I must request the Hon'ble Council to take such measures as will extricate me from this difficulty, in which the State only is interested. I have been desired likewise to remind the Hon'ble Executive, that the Council who have engaged to defend the State in this Business, have as yet had no compensation for their trouble. Your good offices in this matter will lay the greatest obligation on,

Sir, your most obedient humble Servant,

DAVID RITTENHOUSE.

Directed,
His Excellency, Thomas Mifflin, Esquire, President in Council.

Acquittal of Samuel Doyle, 1790.

Northumberland County, ss.

Be it remembered that at a Court of Oyer & Terminer and general Gaol Delivery holden at Sunbury in and for the County of Northumberland on Friday, the twelfth day of November, in the Year of our Lord one thousand seven hundred and ninety, and of the Commonwealth of Pennsylvania the fifteenth, before the Honorable Thomas M'Kean, Esquire, Doctor of Laws, Chief Justice, and the Honorable George Bryan, Esquire, Justice of the Supreme Court of the Commonweath of Pennsylvania, and Justices of the said Commonwealth assigned to hear, try and determine all and every the Indictments and Presentments made and taken for or concerning all Treasons, Murders, and such other Crimes as are by the Laws of the said Commonwealth made Capital or Felonies of Death which have been or may be done, committed, perpetrated or happened, within the said Commonwealth, as also to deliver the Gaols of all Persons which have or may be committed for the Crimes aforesaid, by the Oath of William Montgomery, Esquire, William Cooke, Esquire, John Weitzel, Esquire, Christian Gettig, Esquire, William Hepburn, Esquire, Robert Fleming, Esquire, Samuel Weiser, Esquire, Peter Hosterman, James Jenkins, Bernard Hubley, John Thornburg, Anthony Selin, Paul Baldy, Amariah Sutton, Christian Yentzer, James Alexander and Thomas Gaskins, and solemn affirmation of Joseph Wallis, Esquire, George Hughes, Esquire, and Samuel Wallis, Esquire, good and lawful men of the County aforesaid, impanelled, sworn, affirmed and charged to enquire for the said Commonwealth, and the Body of the said County of Northumberland, it is presented *that* Henry Walker, Joseph Walker, Benjamin

Walker and Samuel Doyle, all late of the Township of Lycoming, in the County of Northumberland, Yeomen, not having the Fear of God before their Eyes, but being moved and seduced by the Instigation of the Devil, on the twenty-seventh Day of June, in the Year of our Lord one thousand seven hundred and ninety, with Force and Arms, &c., at the Township aforesaid, in the said County, in and upon a certain Indian Man, whose Name is to the Inquest aforesaid Unknown, in the Peace of God and of the Commonwealth then and there being, feloniously, wilfully, and of their Malice aforethought, did make an Assault; and that the said Henry Walker, with a certain Tomahawk, which he, the said Henry Walker, then and there had and held in his right Hand, the said Indian Man, whose Name is to the Inquest unknown, in and upon the back Part of the Head of him, the said Indian Man, feloniously, wilfully, and of his Malice aforethought, did strike, wound and penetrate, then and there giving to the said Indian Man, in and upon the back Part of the said Indian Man, with the Tomahawk aforesaid, one mortal Wound, of the Length of three Inches, and of the Depth of one Inch, of which said Mortal Wound the said Indian Man then and there did die; and that the said Benjamin Walker, Joseph Walker and Samuel Doyle, then and there, with Force and Arms, &c., feloniously, wilfully and of their Malice aforethought, were present, aiding, abetting and assisting the said Henry Walker, the Felony and Murder aforesaid, in Manner and Form aforesaid, then and there to do, perpetrate and commit. And so the Inquest aforesaid, upon their Oaths and Affirmations aforesaid, do say that the said Henry Walker, Joseph Walker and Samuel Doyle, him, the said Indian Man, whose Name is to the Inquest aforesaid as yet unknown, then and there in Manner and Form aforesaid, feloniously, wilfully and of their Malice aforethought, did kill and murder, against the Peace and Dignity of the Commonwealth of Pennsylvania.

And afterwards, to wit., at the same Delivery of the Gaol of the said Commonwealth, of the County aforesaid, holden at Sunbury, in and for the County aforesaid, on Saturday the twelfth Day of November aforesaid, in the same fifteenth Year of the Commonwealth aforesaid, cometh the said Samuel Doyle, under the Custody of Martin Withington, Esquire, Sheriff of the County aforesaid, (in whose Custody, in the Gaol of the County aforesaid, for the Cause aforesaid, he had been committed before,) being brought to the Bar by the said Sheriff, to whom he is also here committed, and forthwith being demanded of the Premises aforesaid, above charged upon him, how he will acquit himself thereof; he saith that he is not guilty thereof; and thereof for good and evil he puts himself upon the Country—and William Bradford, Esquire, Attorney-general for the said Commonwealth, who prosecutes for the said Commonwealth in this Behalf, doth the like. Therefore, let a Jury of the Country immediately come before the Justices of the Commonwsalth aforesaid, by whom the Truth of the Matter may be better

known, and who have no affinity to the said Samuel Doyle, to recognize, upon their Oath and Affirmation, whether the said Samuel Doyle be guilty of the Premises in the Indictment above specified, or not guilty.

And the Jurors of the said Jury by the said Sheriff for this Purpose impanelled and returned, to wit., John Bosely, Jacob Driesbach, Jacob Gemberling, Henry Driesbach, George Dougherty, James M'Mahon, Robert Fruit, Daniel Montgomery, Hugh White, Benjamin Patterson, George Obermire and Henry Shoemaker, ... being called, came; who being duly elected, tried, sworn and affirmed to speak the Truth of the Premises upon their Oath and Affirmation, respectively do say, that the said Samuel Doyle is not guilty of the Felony and Murder whereof he stands indicted, and that he did not fly for the same. Whereupon, all and singular, the Premises aforesaid being seen, and by the Court here fully understood, It is considered by the Court that the said Samuel Doyle be bound by Recognizance to the said Commonwealth in the Sum of two hundred Pounds, lawful Money of the said Commonwealth, with two Sureties in the Sum of one hundred Pounds, like Money aforesaid each, conditioned for the good Behaviour of the said Samuel Doyle, and that he be of the Peace, &c., until the next Court of Oyer and Terminer for the County af'sd, and that he stand Committed until the Costs of this Prosecution be paid.*

A true Transcript of the Record.

J. EWING, Cl'k Cur.

Circulars addressed to various Officers, 1790.

Sir,

Council wish to know the present State of your department, & request you to inform them if any Obstructions or Inconveniences occur, and whether any improvements may be made thereon.

Sir,

Council are anxious to know the progress you have made in preparing for Settlement the accounts of this State with the United States.

They request you to inform them if any Obstruction or Inconvenience occur, and whether any Improvements you conceive can be made in your Department.†

* See pages 709, 714, 719, 720,—also Col. Rec., Vol. XVI., pp. 397, 398, 417, 422, 437, 440, 442, 488, 484.

† See Col. Rec., Vol. XVI., p. 517.

JOHN NICHOLSON TO PRES. MIFFLIN—NEW LOAN CERTIFICATES, 1790.

Sir,

For the satisfaction of the good people of Penn'a, I am desirous that they should be informed that the Accounts of the important and almost unlimited trust reposed in me of Granting New Loan Certificates hath been settled; to this end, as well as on my own Account, I pray that your Honorable Board would direct the report which hath been rec'd by you from your Committee on that subject to be published.

I have the honor to be,

Sir, your Excellency's

Most obedient servant,

JNO. NICHOLSON.

Nov. 15th, 1790.

Indorsed,

Read in Council November 15th, 1790.

Directed,

His Excell'y, Thomas Mifflin, Esquire, President in Council.

N. FALCONER—HEALTH OFFICER'S REPORT, 1790.

November 16th, 1790.

Sir,

Agreeable to the order of Council the 13 instance* I give the present State of my Department From the 29 of September 1789 to the 29 of September 1790 there has been Entered with me one Thousand Six hundred and Eighty Nine passengers @ 1 s. ℔ head £63 6 9
Visited 20 Vessells as Health officer @ 20 s. 20 0

£83 6 9

as Council has Requested that I Should point out the inconveniencies attending the Department, as the Law now Stands I have no Right to go aboard aney vessell untill I am Called on, the Law Seems Confined to passenger vessells alone and to the Number Forty or From Some Sickley port but the Law Dont Define Those ports an infectious Disorder may be Brought in by a Ships Crew or a few passengers aboard as well as in a passenger Ship, whe have had Several instances

* See Col. Rec., Vol. XVI., p. 517.

of this the Sumer past, Ships from ancy port in the Straits may Come up to the City without Stoping below; a quarantine Law is much wanted for this port, all which I Submitt to Council.

I am with Great Respect

Sir, your most Hbl. Servant,

NATH. FALCONER.

Directed,

His Exelency Thoms Mifflin, Esquier, President of the State of Pensilvania in Council.

Indorsed,

Read in Council November 16th, 1790.

Auctioneer's Report, 1790.

To the honorable executive council of Pennsylvania.

Gentlemen,

In answer to your address of the 13th, Inst. permit me to inform you, that the duties arising on my sales at auction from the first of April last to first of July, amounted to only thirty eight pounds 9*s*. 1½*d*. to the first of October twenty pounds 9*s*. 8½*d*., and to the present date Seventeen pounds 10*s*.

The inconvenience of holding sales in the suburbs of the City are so great that no exertion can surmount them.—This I presume will very clearly appear by reflecting for a moment on the situation of the Northern Liberties, in which there are neither goods nor purchasers.

The only improvement I conceive that can be made in the business, will be, to permit the respective auctioneers to hold sales in whatever place will be most advantageous to themselves and the revenue—If this is done I am very Confident that the Citizens will be better accomodated and the revenue much more productive.

I am Gentlemen,

your most obd't Servant,

WM. SHANNON.

Northern Liberties, Nov. 16th, 1790.

Report of Master of Rolls, 1790.

The Honble The Supreme Executive Council.

Philad'a, 16th November 1790.

Gentlemen,

Your favour of 13th Inst., I received yesterday, Noon; in answer thereto, I have to inform your honors, that the Constitution and Laws are all Inrolled; the patents are in the like forwardness, and

I must beg leave to acquaint you, that since I have had the honor of being Master of the Rolls, I have uniformily kept my office open on the afternoon of Saturday, in order to accomodate Country People, who had their Patents signed & sealed on the forenoon of that day.

Since the Establishment of my department, it has been a rule to have Deeds & Mortgages Recorded in four weeks after their receipt, this I have strictly adhered to, the latter are compleat as far as the 12th Instant, but owing to one of my Clerks being confined by sickness, the Deeds are not forward enough by a few days. Respecting Deeds and Mortgages, it may be necessary to inform your honors, that they can't be delivered sooner than the heretofore accustomed time, because they do not come into the office in regular procession; perhaps in three or four days a great many may come in, and perhaps in as many weeks, but few; but let that be as it may, no inconvenience arises, because they are recorded in rotation, they are all entered in the Book of entries on the day they are received, and the record and certificate bear that day's date.

I must also beg leave to inform, that since my appointment I have made an Improvement in the office not heretofore thought of; the former Indexes were Alphabetically kept in the Name of Grantors only, by which a Title could not have been traced, for the remedy whereof, I have made out two General Indexes of all the Books in the office, one in Alphabetical order, begining with the Name of the Grantors, the other in the same order, begining with the name of the Grantees, and also a Patent Index; it has been an arduous Work; and if your honors chuse, I should be glad to lay them before you.

At present there are no obstructions that impede the execution of the business of my office, and the only one that I know of may occur under the New Constitution, is respecting the acknowledgement of Deeds by the present Law, the Judges of the Supreme Court, (who from their frequent avocations & multiplicity of business can do little in that way,) and the Judges of the Pleas, are the only persons who are authorised to take acknowledgments by the New Constitution—the Judges of the Pleas will be few in Number; and frequently the whole of them on the Bench, therefore I apprehend the Citizens will find an inconvenience therein, and that it will be necessary for the Legislature to authorize the Governor to give a special commission to some other persons to execute that necessary business.

I am, Gentlemen, your honors,

most obd't humble Servant,

MATH'W IRWIN.

Indorsed,

Received and read in Council, Nov'r 16th, 1790, (Copied) in answer to Council's Circular Letter of Nov. 15th, 1790.

Directed,

His Excellency, Thomas Mifflin, Esq., President of the Supreme Executive Council.

Report of Receiver General, 1790.

Philad'a, Nov. 17th, 1790.

Sir,

In answer to your Secretary's letter of the 13th Inst., wherein he mentions that Council wish to know the State of the Receiver General's Department, and if any obstructions or inconveniency occur, I beg leave to reply, that from my first entering upon the duties of that Department, I have steadily pursued the line marked out by the former Receiver General in keeping the Books or records and filing all necessary vouchers or papers relating to the business of the office, which mode has appeared so eligible that where circumstances did not oppose a strict adherence to it, I have seldom, if ever deviated from it.

Indeed the Business of this Department has accumulated so much since the Revolution, the prices of lands have been so different in the Old and New purchases, and the Species of Public securities and monies receivable for Lands so various, that I have been obliged to establish setts of Records in order to keep the transactions of the Department more distinct, and clear than a single sett of Books wou'd enable me to do, and in order also to facilitate the Business, thro' the office of so many applicants as daily present themselves.

There is one Inconvenience which I beg leave to mention, and it is truly one which the people have but too much reason to complain of, it is this:

When a person applies to my office to settle and pay a land account in order for confirmation by Patent, it frequently happens that a smaller quantity of Land is contained in the survey than expressed in and paid for at the issuing of the Warrant, by means whereof a balance remains due on my Books to the party, which they conceive should be allow'd to them in the payment of other Land, or that a new Warrant shou'd issue for the amount.

I have the honor to be, your
Excellency's most obd't Servt.,
FRA'S JOHNSTON.

Directed,
His Excellency, Thomas Mifflin, Esquire.

Notes of Commissioners for Viewing Rivers, 1790.

Northumberland, 17th May, 1790.*

Sir,

The Commissioners appointed to View the Westers Waters, left Philadelphia the 6th Inst., and met Mr. Maclay at Lebanon on Sunday morning; he had been there near a week, according to the first

* Indorsed 17th November.

appointment, which could not be kept by us from the city. The same day we proceeded to view generally the ground near Kutchers Dam; adjusted our level, &c., and an Monday Morning began to level. In order to secure the notes of what we have done, I beg leave to address them to your care, as the best means of safety; yet not for the Council as official papers, as they may require adjustment, which it would delay time to make at present.

To obtain the facts necessary to determine the quantity of water which issues from the place of beginning, we measured the Waste-Gate at Kutcher's Dam; and found it 3 feet 2 inches wide, and the mill being not at work, the water flowed over it of that width, *ten inches* deep: there was an apperture opposite the millwheel of about the same width, and, as nearly I could judge, of about two inches in depth, thro' which the water issued at near three feet below the surface. From the face of the water in the Dam the levelling is as follows: (The Back Staff standing on the face of the water in the Mill-dam.)

No.	Foresight.	Backsight.	
1.	370	742	
2.	760	946	From this point we made an offsett to the bottom of the old water course, Foresight 840, backsight, 177.
3.	342	998	To Lebanon Market street, at the mill and on the face of the bridges; and from the face of the bridge to the water, 195.
4.	312	960	
5.	619	947	
6.	434	745	On a flat meadow and near the creek.
7.	445	670	
8.	547	759	(The ground uniformly favourable down to No. 24, with very little variation or appearance of stone, and the descent nearly uniform.
9.	467	740	
10.	686	739	
11.	530	527	To the bridge at John Stover's Mill.
12.	844	988	
13.	116	606	
14.	653	654	Adam Stover's Mill, and this sight on the dam, the wind blowing down Stream.
15.	793	803	To the Narrows.
16.	309	924	
17.	360	487	
18.	719	814	Head of Christo. Long's hemp-mill dam.
19.	360	824	
20.	769	587	Chris. Long's Lane.
21.	498	905	

22.	382	606	
23.	755	906	Head of Henry Souder's Mill.
24.	299	982	Water's edge when there are rocks on the S. side, & increase of water by springs.
25.	755	793	Head of Welms's Dam, more springs.
26.	417	857	Where a Mill formerly stood.
27.	686	784	Head of Abraham Rogers' Dam.
28.	370	1006	
29.	639	934	Head of Abraham Rest's dam; where we finished our first day's work, having been on foot near 13 hours, and the weather intensely hot; Thermometer at 80° at six o'clock in the evening, in the shade.
	15236	23233	
		15236	
	Fall	79.97	

Note—That Rist's dam is sometimes called Ireley's dam.

Tuesday, May 11.

No.			No.		
30.	143	925		9461	12429
31.	388	556	49.	540	526
32.	201	830	50.	808	1004
33.	867	947	51.	284	196
34.	459	551	52.	598	935
35.	441	619	53.	161	505
36.	711	508	54.	585	671
37.	615	330	55.	510	842
38.	113	540			
39.	610	450		12927	17108
40.	974	761		15236	23233
41.	88	894			
42.	951	911		28163	40341
43.	347	760			28163
44.	865	710			
45.	326	468			121.78
46.	300	311			
47.	685	741			
48.	357	621			
	9441	12429			

Amount of the Falls in Quitipahilla, in feet and hundred parts, from the face of the water on Kucher's Mill dam to a Buttonwood Tree at the mouth of the creek, the foresight standing on the face of the water near the tree. The whole distance being 15 miles and 62

perches from the lower end of Kucher's dam. The dam is 90 perches long=(15 miles 152 ps.)

(For the distance relative to the numbers, where it is material; see Mr. Maclay's notes of survey, which is intended to be enclosed if they are sent to me in time: otherwise to be sent from Cinnamahoning.

McKee's half-falls, Foresight, 743
Back, 506 } Distance, 18 perches.

Falls, 2.37

The main difficulty here, lies in the upward passage, which is on the West side of the River, where the rocks in the upper rift, runs far into the river and the current excessive at the point of the rock. The distance from the shore, renders the towing of the boat very laborious; as we saw, not only by our own boat, but also in the case of another boat, whose towing rope gave way and left her to the chance of the current. At present, there is danger to boats passing by this rock upwards, from the force of the current taking the bow and forcing the side against the rock, so as to crush the boat. A passage may be cut thro' this rock close to the shore at a moderate expence, which will render the passage comparatively easy and entirely safe. The passage thro' the lower rift may be also opened close to the shore, and for like reason ought to be done.

About 50 perches below Mier's Mill, the creek is four perches wide, and there being a shoal place at that distance, we measured the depth of water. It was 14 inches for about 30 feet in width, and the remaining distance may be estimated at half that depth, the current appearing to be nearly that of the creek generally—greater rather than less.

The ground is generally very favorable to the design of a canal, & the digging mere common earth, with few exceptions of limestone, rocks, and perhaps some little increase of expence from slatey ground; but my present sentiment is, that there will not be much more stone raised than will be required in the work.

When we arrived at the mouth of the Quitipahilla, we intended to have continued our survey, and levelling down the Swatara to the mouth, but to our surprise, we could not procure the necessary assistance, (the people in the neighborhood generally, so far as we conversed with them, being much opposed to the design without losing too much time in search of people of more good sense. The danger of the water falling, at the head of the Susquehanna, determined us to proceed without delay, and to leave the Swatara for further examination at our return. We accordingly embarked in our boat at the Quitipahilla and went down the Swatara, which we found to be a very fine stream of water, with much less fall than we had been led to expect (if we judged rightly from so trancient a view of it as could be had while we passed down it.)

We found it necessary to stop at Middletown, and again at Harrisburgh, to procure several articles of provision, &c., which detained us 'till Friday morning, when we set out for Sunbury, and at one o'clock passed Bergamen's Ripple. The water here is very rapid, and the passage on the West side of the River, where there is a high slatey rock, which it may be proper to break away, so as to admit a path-way for Dragging boats upwards by ropes—the labour of setting up being excessive, and very discouraging to boatmen.

At Girty's half-falls—the fall of water in 40 perches distance is 1.22. Here a passage upwards may be greatly favoured by a path-way over the rocks—and the passage ought to be opened to about 3 rods in width.

At Berry's Falls—A large rock on the West side, (at the end of the mountain,) extending far into the river, occasions great difficulty in passing upward, boats being obliged to go on the outside of it. Between this rock and the shore, there are two other large rocks, and between these two are a number of large stones, which ought to be removed, and a piece broken off from the end of each of the two last-mentioned rocks, so as to make a clear passage of 10 or 12 feet wide; but not much exceeding this width, and the gravel above removed so that in times of low water, boats may go up this proposed passage. Below this proposed passage there is a Muddy gravel bank which the current will probably sweep away almost immediately after the passage: but if this should not happen, it may be removed at a small expence, and as it is evidently collected by the eddy-water, there appears no danger of its collecting again. This is the most laborous passage of any in the river, above the mouth of Juniata at this fall, Foresight 320, Backsight 687, falls 3.67—distance 1.50 perches.

At Barber's Falls—Backsight 677 } Distance 182 perches.
Foresight 437 }

Falls 2.40

As these notes will be of no immediate use, I have determined to leave them with Col. Wilson, who will take them down to the city with him.

T. M.

Report of Southwark Auctioneer, 1790.

To his Excellency the President and Hon'ble Supreme Executive Council.

Gentlemen,

Council being desirous to know the present state of the Southwark Auction, The Auctioneer for that district begs leave to inform them, that the duties arising on the sales of goods at that auction, from the first of April last (the time the 1 ℔ Cent duty commenced) to the first Instant, a period of seven months, amounts to £57 18 11. That the duties last year during that period, at 2 ℔ cent, amounted to £107 13 9. And agreeable to their request with deference submits the following:

That it is his opinion, the Vendue Laws restricting the several Auctioneers to their respective districts, has a tendency to injure the revenue, for, were the vendue masters at liberty to hold their sales in each others districts, stronger and greater exertions could and in all probability would be made by them, and there are also other inducements, by which means more goods might be procured for public sale, was that restriction taken off—and here he would remark, that the duty the State has drawn from this district, on goods sold at public sale, during the time of his apointment, for persons residing therein, is so trifling that it does not amount to Ten Pounds—the goods he sold were brought from the City to persons who principally reside therein, and were carried back again to the City.

Was this obstruction in the Law which confines the respective auctioneers to their districts removed, it would be much more convenient and satisfactory to the generality of the traders, and he is very confident might be made to tend greatly to the increase of the revenue.

With great respect, Gentlemen,
your very obed't h'ble serv't,
ADM. HUBLEY,*

Southwark Auction Store, 18th Novem'r, 1790.

Report of Flour Inspector, 1790.

Philadelphia, 18th Nov'r, 1790.

Sir,

I was honored with your letter dated in Council on the thirteenth Instant.

The duties of Inspector of Flour, which office I have the honor to hold, are performed by myself and two deputy's or assistants, to

* See Col. Rec., Vol. XVI., pp. 517.

whom I pay certain Yearly salaries, for which they stipulate to devote the whole of their time each day, from sun rising 'till it goes down, and to attend in every part of the Port to which they may be called, and in all weather proper for Flour to be exposed in, which secures to the parties concerned in the Sale and export a certainty being accomodated. The present deputies are, Jacob Plankinhorn and Christopher Irick, both of whom are known to be industrious, sober, honest, & attentive to their business; and I believe nothing is hazarded in saying that their Conduct is generally approved; I attend and assist them alternately, as the call for dispatch may require, and to observe and direct, that the Standard of merchantable quality of each, be as nearly similar as possible, we also occasionally examine the same Flour together, for the purpose of establishing a similarity of Judgment.

The principles by which I have endeavored to regulate my conduct in office, and which I frequently communicate and explain to my deputy's, are, by no means to injure or unneccessarily depreciate the character or value of any person's Flour, but endeavor at all times to Judge with the utmost impartiality, and execute with firmness all that the Law enjoins the officer to do, fearless of the disapprobation or censure of interested individuals, who can at any time obtain redress of real injuries, by resorting to the appeal from the Inspector's Judgment, which the Law has wisely provided.

The practice on such principles, is an attentive and regular inspection which I flatter myself very generally takes place, and procures to our Flour a preference in foreign markets; of which I believe satisfactory proofs could be produced. The Prices of Flour for some time past have been 46s. ℔ barrel for super fine, and 42s. for Common, yet it comes to Market but in small quantitys, the demand being fully equal to the supply, notwithstanding there has been no late exportation to Europe, the shipments being mostly for the West Indies, and some to different Ports of the United States.

The existing Laws which relate to the inspection of Flour, are an act passed on the 5th of April, 1781, and three supplements, under date of 28th Dec'r, 1781, 15th of Septemb'r, 1784, and 12th of Septemb'r, 1789; my experience does not suggest any material deficiencies in them, nor have I felt or perceived, any want of necessary powers to the officers for their due execution; it would certainly be much more convenient, if the whole were comprised in one Law; should a revision for that purpose take place, perhaps some small amendments may appear to be necessary and proper.

The legislature of the United States, during their last Session passed a short Law, directing their Collectors and naval officers, to pay due regard to the Inspection Laws of the respective States.

Should it appear that I have not fully comprehended the wish of the Honorable Council, as expressed in the letter I have been

favored with, if they will be pleased to signify their further pleasure therein, I will with the utmost cheerfulness attend to their Commands

I have the honor to be Sir,

your obedient & humble Serv't,

JAMES READ.

Directed,

Charles Biddle, Esquire, Secretary to the Honorable Executive Council.

REPORT OF SECRETARY OF LAND OFFICE, 1790.

Philad'a, 19th November, 1790.

S^r^,

Pursuant to direction by Letter from your Secretary dated 13th November, Instant, I beg leave to inform Council that untill the adoption of the new Constitution I knew of no Obstructions or Inconveniences in my Department, but I forsee that in a short time it will be necessary for the Legislature to provide Relief in the Cases following and perhaps more which at present does not strike my attention, viz^t^.

The form of the Patent is by the Law establishing a Land Office to begin thus, "The Supreme Executive Council of the Common-"wealth of Pennsylvania," instead whereof it may be more proper to begin thus "The Commonwealth of Pennsylv'a, &c^a^.

By the present Laws the president in Council or in his absence the Vice Presid't is to sign all patents & Warrants for Lds. but when there is no Council, President nor Vice president which will be the Case when the new Constitution shall be in full operation the Governor may be vested with full Powers in these respects.

The present Laws make it necessary in Order to constitute a Board of property that a Member of the Supreme Executive Council shall be one which cannot be when no such Council exists therefore perhaps it may be proper to repeal such parts of any Laws whereby the Vice president or member of Council are essential and to vest the powers of holding a Board in the Governor with the Land officers.

If any other matters shall appear worthy of alteration before the Dissolution of your Board, I shall beg leave to represent the same at some future time, and am

yr. most obed. h'ble Serv't,

DAVID KENNEDY.

Directed,

His Excellency Thomas Mifflin, Esq., President in Council.

Report of Surveyor General, 1790.

Surveyor Genl's Office, Nov. 19th, 1790.

Sir,

In compliance with the wish of the Honorable the Supreme Executive Council, I have considered if any obstructions had occured, to impede the business transacted in this office, but cannot recollect any.

Inconveniences and high disputes have been mentioned by some of the Deputy Surveyors, west of the Allegheny mountain, & others, owing as it is alledged, to a misconstruction of the Laws establishing fees there & elsewhere.

I here beg leave to observe that in the last Law no mention is made of acceptance Fees, these were formerly received by the Surveyor General, and I conceive they might, with propriety, have been embraced in the same system of revenue.

The clause which relates to the fees to be taken in this office, upon returns to be made into the Secretaries office, is inexplicit and undefined, no distinction being made between a return of a single Tract or a number joined, and therefore I find that the practice hath been to receive the same Fees for three, four, & five adjoining Tracts returned together, as for one.

Should I discover hereafter any thing relative to this office that, may admit of improvement, it shall be faithfully communicated.

I have the honor to be, Sir,
with perfect respect
your Excellencies most obed't Serv't,
DANIEL BRODHEAD.

Directed,
His Excellency the President in Council.

Report of the Treasurer, 1790.

Treasury Office, Nov'br 22nd, 1790.

Sir,

Your Message of the 13th instant, did not come to hand untill the morning of the 20th inst, or should sooner have complied with the Desire of Council. On the 19th of December last,* I address'd the Hon'ble Board, (to which I beg leave to refer) and obtained their timely Interference. Aided by their Resolutions of the 21st of the same month, a Number of abuses and Irregularities complained of are corrected. One Essential however, that of being allways supplied with a Sufficiency of money to keep the various Funds separate & distinct, I have never been able to accomplish; But such care has been taken

* See page 649.

& the amounts of temporary missapplication unavoidably made, so regularly kept and attended to, that no material Injury to the State or any Individual has arisen from it.

That the Statements of arrearages of Taxes outstanding as reported by the Register General on the 30th of September 1789, and a second bearing Date the 26th of August last are as correct as it was possible to make them from such material as he could come at, I am convinc'd; Butt that from want of proper Information and other Causes, the Produce will fall far short of the Estimate is equally certain. To prove this, Council will indulge me in makeing the following Observations. The amazeing and constant Demands on the Treasury, and no Tax being levied for the present year soon taught me, that Every Exertion on my part as well as that of every Officer employ'd in the Collection of the Revenues would be necessary, I have not neglected to urge them, I have inquir'd why so much was outstanding, what was the Cause, and what Remedy ought to be applied, the Existing Laws, particularly that of 1788, pass'd October the fourth appearing to me if duly executed sufficient. The Result of my Enquirys from every Quarter terminates in this. We admitt that so much may be due from our respective Counties; But one half (some more or less) has been collected under the Laws of 16th March, 1785 & 4th October 1788, and rests in the Hands of Sheriffs, Magistrates, Constables and Collectors, many of whom, after getting considerable Sums into their Hands, have died, failed, ran away or other ways eluded Payment. I have been inform'd of many such—shall only mention two.

Mr. Brisben a Collector in Lancaster County is in arrears near £800, Mr Rowan of this City about £2500, of which he can give no account. This being the Case with men of real or suppos'd Integrity and understanding, what may not be expected from the Variety of Characters employ'd in the Revenue Department throughout the state.

Admitt then, that on the first of October 1789, there was due the Commonwealth from the different Counties £280 000, of which £140 000 is in the Hands of delinquent Officers and must be recover'd by sale of their Property, in this Way I have no Doubt Butt a good Deal will be collected in Time, the County Treasurers however uniformly complain of the Sheriffs not doing their Duty.

Butt where there is no Property as in the Case of Rowan & others the Deficiency must be reassess'd on the County, and how the Collection of this will succeed, we may judge from past Experience and ought to count on it accordingly.

Out of the remaining £140 000, nearly £100 000 has already been paid into the hands of my venerable Predecessor & myself.—The Residue will come in by slow Degrees.

The Subject of finance being to me entirely new, I dare not hazard an Opinion of what ought to be done, though I have thought of several Expedients. I have premised these general Observations with a View

to show his Excellency the President and the Hon'ble Board the immediate Necessity of Legislative Interference to provide for the existing and future Demands on the Treasury. These are so fully explain'd in the Statement of the Register General of the 26th of August last, that I need pass no other Comment on them than this, that untill such Provission is made, it will require all the Fortitude I am posses'd of to bear up under the Embarrassments of an empty Chest & perpetual Driving, a Consciousness of haveing acted and intending to act justly and honorably is my only Support.

As under the foregoing, I could not possibly embrace the various Duties assign'd me by the Act of the first of April last, I respectfully crave the attention of the Hon'ble Board to the following heads. 1st, In the first enacting Clause certain enumerated Officers therein mention'd are in the first Instance to settle their accounts with me. So far as relates to Transactions, since my appointment, I have found no Difficulty; But many of those Officers have not settled their accounts for years past. Where this is the Case, being posses'd of no Documents, whereby to judge of the Validity of their Charges I have been oblig'd to submitt them in an imperfect state to the Register General, and with his assistance (he being possess'd of some of the old accounts) the greater part of those Officers have had their accounts settled, much more might have been done, if either the Register General or myself could have been furnish'd with the necessary papers from the Office of the Comptroller General.

A more particular account or explanation of this Bussiness shall be laid before the Legislature at their next Session.

2nd, The second enacting Clause, I have punctually complied with; my monthly accounts have been render'd regularly, and my annual account has undergone the Examination of the Register General, is now before the Comptroller General and all possible means on my part shall be us'd to lay it before Council without Delay.

3d, The Bussiness assign'd in the fifth Clause could have been finished on my part long since, the Reason of its being delay'd can be accounted for by the Comptroller General only, who will no Doubt do it.

4th, The eighth enacting Clause transfers to me all the Powers formerly vested in the Trustees of the two Loan Offices.

The first establish'd in 1774 respecting it, my Letter to Council dated the 17th of June last, accompanied with a rough Statement of the accounts in said Office may be referr'd to. I have since entered more minutely into the Bussiness & shall use every Exertion to bring it to Issue.

The second establish'd April 4th, 1785. In this the Bussines has been conducted pretty regularly and I have it in good Train.

I have reasonable Cause of Complaint against some of the Revenue Officers of the State; Butt as it is impossible for the Supreme Ex-

ecutive to apply any effectual Remedy untill the Operation of the new Constitution takes place I must necessarily defer it.

I have the Honor to be, with
due Respect Sir, your most
obedient & very humble Servant
CHRISTIAN FEBIGER.

Directed,

The Hon'ble Charles Biddle, Esq., Secretary of the Supreme Executive Council of Pennsylvania.

REPORT OF AUCTIONEER OF NORTHERN LIBERTIES, 1790.

To His Excellency, The President and the Honorable, The Supreme Executive Council of the Commonwealth of Pennsylvania.

Gentlemen,

In answer to your enquiry of the 13 Instant respecting the state of my department, I have to inform, That since I have been honoured with a Commission from Council, authorizing me to hold public auctions within the Northern Liberties, The Revenue due to the State arising from the duties thereon is as follows:

The first quarter commencing on the 8th of April, and ending the 8th July, 1790, ...	100	17	7
The second quarter commencing on the 9 July, & ending the 8th September, ...	79	9	1
The third quarter commenced the 9th September, only seventy-three days thereof have elapsed, during which time the duties amount to, ...	56	12	11
	£236	19	7

The whole amt'g to two hundred & thirty-six Pounds, 19s. 7d.—all of which is paid into the Treasury, agreeable to the account inclosed. This is the exact state of my department at present. The obstructions and inconveniences that have occured in prosecuting the business are founded on the restrictions which confines the auctioneers to hold their Sales in seperate districts; and I am without doubt that if they were released therefrom, so as to admit all of them to sell at Auction within the City, that the revenue of the State would be greatly increased; probably double what it now produces. This alteration, dictated on the principle of increasing the Revenue, will receive considerable sanction and support, from the convenience it will afford to the Citizens doing business with the district auctioneers; all of whom, generally speaking, dwell in the City, and not in the districts; the opperation of the present Law, obliges the Citizens to

send their property out of the City for Public sale, and to compel the Citizens to go beyond the City Limits to purchase, as tho' it were designed that the efforts of the district Auctioneers to collect the Revenue should be rendered nugatory, and of as little effect as possible.

The chief object of the last law respecting auctions was to facilitate the Sale of goods, by a reduction of the duty one-half; it has had considerable effect, particularly in the Sale of Groceries and other valuable property, not so frequent at public Sale before, inasmuch as to afford at this time a probability of the State receiving nearly as much revenue the present year as the last, when the duties imposed were double what they now are.

The Sale of Groceries has been almost wholly conducted by myself, altho' so inconveniently situated, and their transportation so very expensive and burthensome; to what cause this particular confidence of the Public has been prefered on me, under the present Circumstances, is unnecessary and perhaps improper here to inquire, but the place to which I am confined to hold Sales at has, I am persuaded, contributed much to obstruct the business, particularly in this valuable branch thereof, being forced to and confined at one extremity of the town, it is exceedingly inconvenient for the people resident at the other, or even in the Center of the City to attend, whereas a central situation would render it convenient to persons residing at both extremities.

The duties imposed on the Sale of Certificates of the United States debt, or of the debt of any other State, prohibits the vending them at auction. A property so subject to change its possession, and so frequently sold in large sums, would at the moderate duty of one eighth of one ℔ Cent., be productive of very considerable revenue.

This is all that occurs to me respecting the State of my department; the obstructions and inconveniencies are wholly founded on the restrictions which confines the several auctioneers to hold their Sales within their several districts only. The improvements that may be made therein to the advantage of the State is, the repeal of so much of the Laws that enacts such restriction, and to give authority to the district Auctioneers to hold sales within the City, also the relinquishing a part of the duty on the Sale of Certificates, or other property disposed of at Auction, in Lotts of considerable value. By this means the revenue will be greatly increased, and commerce considerably benefitted.

I have the honour to be,

With great Respect,

Your most obdt. h'ble Servant,

JOHN CHALONER.

Nove'r the 22, 1790.

Order for Powder &c., to celebrate arrival of Pres. U. S., 1790.

To His Excellency, the President and the Honorable Supreme Executive Council for the State of Pennsylvania.

November 23d, 1790.

Gentlemen,

Be pleased to grant four Quarter Casks of Powder, making in Weight 112lb, and four yards of Flannel for 26 rounds of 12 pdr. Cartridges—13 rounds of which are to announce the arrival of the President General in this City, and the residue shall be preserved untill farther Orders are given to,

Gentlemen,

Your Obedient Servant,

THOMAS PROCTER.*

Report of Register General, 1790.

His Excellency, Thomas Mifflin, & The Hon'ble Supreme Executive Council.

Sirs,

In compliance with the Order of your Hon'ble Board of the 13th Inst., requiring the present state of the Department under my direction & whether any Obstructions or Inconveniencies occur, or any Improvements may be made therein.

I beg leave to inform your Honors that the Books of this Office are settled up to the 30th Sept. last, & balanc'd, & that the Annual Accounts are nearly prepar'd to be laid before the General Assembly, so far as the Documents in my possession will enable me to compleat them.

The Obstructions that have occurr'd in the execution of the duties assigned to me, arise principally, from the want of sundry accounts & documents which I have not been able to obtain. The most material of which are

1st. The Accounts of the respective County Treasurers, as settled by the Comptroller Gen'l previous to my appointment, for want of which I am unable to state the Balances due by the different Counties, tho' highly necessary for the information of the Legislature.

2d. An Account of the Warrants issued by the Supreme Exe tive Council, previous to 10th April, 1789, which remain'd un

* See Col. Rec., Vol. XVI, p. 722.

at that period—because all such as yet remain unpaid ought to appear in the estimate for the current year; that the Legislature may know what sum they are to provide for.—Warrants for large sums issued before that time have been paid in the last year, altho' not provided for by Legislative appropriation.

3d. An Account of the Certificates issued for the depreciation of pay to the late Army before the 28th Sep., 1789.

4th. An Account of such of the depreciation Certificates aforesaid, as have escheated to the Commonwealth in virtue of the Act of 25th March, 1786.

5th. An Account of Certificates issued for Militia services & other State Debts previous to 28th Sep., 1789.

6th. An Account of the New Loan Certificates issued in lieu of Continental Certificates received on Loan, & of the Continental Certificates received therefor.

7th. An Account of the New Loan, Depreciation, & Funded Certificates, which have been exchang'd to answer paym'ts in the Land Office, or consolidated to accommodate the parties.

8th. An Account of the Certificates & their description which have been receiv'd for Debts or Property, of the State & from whom receiv'd.

9th. An Acco't of the Balances due the Invalid Corps to compleat their Pensions to 1st May, 1789.

10th. A list of Balances due by the State on acco'ts settled before the 28th March, 1789, for which Warrants, or Certificates, may issue on the application of the Parties.

These objects are so important in themselves, & so necessary to the due arrangement of the Finances of the State, as render any observation from me unnecessary.

The late Treasurer having applied the Monies granted by Law as a fund for one purpose, to the discharge of others. It becomes necessary before the Accounts of the present Treasurer can be made to correspond with the Books of this Office, to obtain from the Legislature the sums necessary to replace the Money's belonging to the different Funds appropriated by Law, that have been applied to general purposes, & to repay a large Balance due the former Treasurer.

With respect to Improvements in this Office, I beg leave to observe, that whenever the several acts of Assembly respecting this Department are fully complied with, it appears to me, it would answer the intention of the Legislature.

I have the Honor to be
with great Respect
your most obed't
most Hbl. Serv't,
JOHN DONNALDSON,
Reg. Gen. Office.

Nov. 23, 1790.

REPORT OF PROTHONOTARY OF SUPREME COURT, 1790.

York, 29 November, 1790.

May it please your Excellency & your Honors,

I had the honor, a few days ago, at the Carlisle Court, to receive from your honorable Board a direction to inform you of the State of my Department, and whether any obstructions or Inconveniences occurred, or any Improvements might be made therein.

I am happy to inform your Honors, that by means of some late acts of the Legislature, giving a Power to the Supreme Court to hold four Terms in a year, and to appoint Courts of Nisi prius for the Trial of Issues in Philadelphia County, as often as they should be found neccessary, and to make such Rules & Orders for the Regulation of the practice of that Court, from time to time as they should think expedient, and the prudent and wise Rules established by the Court in Consequence of these Powers, and the uniform disposition of the Bar to conduct the Business in the most easy & advantageous manner, that no obstructions or Inconveniences at present occur to me in the Execution of the Business intrusted to my Care; nor do I know or can suggest to your Honorable Board any improvements which are in my opinion at present necessary to be made in my department.

I have the honor to be,
with great respect,
your Excellency & your Honors
most obedient humble Servant,
EDWARD BURD.

Directed,

His Excellency the President & The Honorable the Supreme Executive Council of Pennsylvania.

CORONER OF FRANKLIN COUNTY, 1790.

Nov'r 29th, 1790.

Sir,

Agreeably to the Commission of the Supreme Executive Council to us directed we have taken the recognizance and Bonds of George Clark, Esquire, for the faithful discharge of his duty as Coroner of Franklin County which we herewith enclose.

We have the Honor to be
your Excellency's
and the Honorable Councils
most obedient Huml. Serv'ts,
ABM. SMITH,
EDW. CRAWFORD,

Directed,

His Excellency Thos. Mifflin, Esq'r, President of the Supreme Executive Council of Pennsylvania.

Report of Measurer of Grain and Salt, 1790.

Philad'a, December 1st, 1790.

To his Excel'y the President and the Supreme Executive Council of Pennsylvania.

Agreeably to the Letter receiv'd from your Honorable Board I made enquiries among some of the Grain Merchants wishing them to point out any improvements. We concluded to defer it till such times that Congress would fix the Standard of measure for the United States. Since my appointment I flatter myself that in respect to the Grain Measuring I have given satisfaction to both Buyer and Seller and kept my deputies attentive to their duty.

In respect to that part of my office respecting of Salt I have had some difficulty since Congress has made so good a Provision for the measuring of Salt, some of the Importers has refused to pay the money allowed by Law when Sold; I have told some of them to pay the Deputies 4½ ℔ Hundred Bushel for keeping the account of whom sold to and I expect they will comply, for as the Law stands The Purchasers to have Justice done them have no other Person to apply to but me as Head Measurer.

I am with Respect

your very Humble Sr't,

BENJ. DAVIS, Jun.

Directed,

His Excel'y the President and the Supreme Executive Council of Pennsylvania.

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